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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States Parties due in 1992

Addendum

VENEZUELA

SUPPLEMENTARY REPORT*

[8 May 1999]

* The annexes referred to in the report are in the archives of the secretariat.

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Introduction

1. The International Children's Institute (INAM), the organization responsible for comprehensive care of the country's children and juveniles, exhaustively reviewed the report on compliance with the Convention on the Rights of the Child, which Venezuela is to present to the Committee on the Rights of the Child in Geneva, and prepared by the Ministry of the Family. On that basis, it was deemed advisable to make a number of observations regarding the deficiencies observed, and to provide additional information on the areas for which it is directly responsible and in which deficiencies were perceived.

2. In the light of the above, the following topics were developed:

- The Venezuelan State's policies for protecting children and juveniles from the social impact of the macro-economic readjustment programme (highlighting the aspects contained in the Eighth National Plan, which was inadequately dealt with in the report);
- The decentralization of child-care services;
- The participation of civil society in child-care;
- The process of bringing Venezuelan legislation on children and juveniles into line with the principles of the Convention;
- The situation of children and juveniles in conflict with the law;
- The situation of working children;
- The situation regarding sexual abuse of children and adolescents;
- The situation of undocumented children; and
- Reflections on international adoption.

I. THE VENEZUELAN STATE'S POLICIES FOR PROTECTING CHILDREN AND JUVENILES FROM THE SOCIAL IMPACT OF THE MACRO-ECONOMIC READJUSTMENT PROGRAMME

3. The two Government terms of office which have elapsed since Venezuela ratified the Convention on the Rights of the Child have seen the implementation of macro-economic readjustment programmes, accompanied by a series of compensatory social programmes to relieve the difficult social situation of the poorest groups of the population, to which the introduction of the macro-economic measures has given rise. Accordingly, the Eighth and Ninth National Plans were devised with the aim of offsetting the short-term adverse effects of the adjustment policies followed from 1989 onwards, and laying the foundations for the medium- and long-term development of human capital needed to promote equitable growth.

4. In the early stages of the economic adjustment process, the strategy for attaining those objectives was focused on replacing the indirect, generalized

subsidies (which had long predominated in the country) with direct, targeted programmes and subsidies. This strategy clearly proved inadequate as time went by, and an attempt was made to supplement it with more structured programmes designed to lay the basis of a social welfare system for the most vulnerable sectors of society, particularly children and young people living in poverty, on the basis of joint responsibility of the State and civil society.

5. The Eighth Plan was devised on the basis of a number of strategic criteria, which were also retained in the formulation of the Ninth Plan, namely:

- Targeting that adequately directs investments towards the more needy social groups;

- Transparency that permits effective control in resource management;

- Flexibility, which presupposes the capacity to introduce corrections and changes of orientation on the basis of mechanisms for monitoring and evaluating the policies implemented;

- Inter-agency coordination;

- Short- and long-term linkage (and linkage of social and economic policy);

- Consultation and cooperation between the public and non-governmental sectors in order to resolve social problems.

6. Starting in 1994, special emphasis had been placed on the situation of increasing social disparities and even greater concentration of income, defining, from the economic area, redistribution policies through the redirection of social spending, selective taxation, promotion of labour-intensive activities and support for associative organizations seeking to integrate the population into an interdependent economy.

A. Global social guidelines, and policies on behalf of children, contained in the Ninth National Plan

7. Given the way in which the first phase of the compensatory social policy has developed, the Ninth Plan promotes a new dimension for the State-civil society relationship, in which each entity assumes and exercises joint responsibility in the framing, monitoring, implementation and evaluation of public policies, and specifically of social policy. This entails developing social networks, support networks for the least privileged segments of the population and the creation of social integration opportunities for them and the sharing of responsibility for social policy with State decentralized bodies and the private sector. It also means that the programme beneficiaries must actively participate in monitoring them, as well as targeting social spending.

8. The Venezuelan State has endeavoured to create an innovative social policy that adequately responds to the social emergency situation created by the impact of economic adjustment. It is generally felt that growth that can be produced by economic policy will not, on its own, trickle down into an automatic improvement

of social indicators, which is why strategies specifically aimed at confronting priority social problems are called for.

9. CORDIPLAN's diagnosis for the preparation of the Ninth Plan contains components that highlight the deterioration of the social situation in Venezuela and throw the exacerbation of poverty into relief. At the same time, the Ninth Plan advocates that the processes of exclusion in health and education, the weakened family structure and the absence of an effective social security system must be equitably addressed for the attainment of social integration that will provide equal opportunities to all sectors of society.

10. It is on the basis of the above that the three major objectives of the Plan were defined in 1995, namely:

1. To facilitate enjoyment by the entire population, especially the weakest groups, of material goods and services and an adequate standard of living;

2. To promote a cultural transformation to serve as an evaluative and ethical aid to the Plan and guarantee the population access to cultural property;

3. To develop social integration links to enable citizens to live together more harmoniously.

11. These objectives are being pursued through four strategic lines:

1. Social integration and high-quality services for all;

2. Cultural transformation;

3. Proactive role of young people;

4. Organization, participation and management (a line that cuts across the three aforementioned strategic lines).

The family

12. The child protection contemplated in the Ninth Plan is provided through family care. In that connection, it is made clear that the family-structure crisis will be dealt with through financial support to family groups, so that they may count on resources and opportunities for the physical, social and affective protection their members need.

13. The family-care strategy is based on strengthening the family as a decision-making nucleus for the development of community organizations and the social promotion network. The resources for funding the basic needs of family members in terms of health, education and social welfare are granted in such a way that the activity takes place within the family itself, with resources allocated to the districts.

B. Social component of Agenda Venezuela

14. Continuing along the lines laid down in the Eighth and Ninth National Plans, the National Executive drafted Agenda Venezuela in 1996. The document was conceived as a comprehensive and coherent set of policies aimed at achieving sustained economic growth in an atmosphere of political and social stability. Its objectives are as follows:

- To combat inflation;
- to restore fiscal balance;
- to restructure and strengthen the financial system;
- to establish a new social security system; and
- to institute a process of large-scale transfer of resources to the most vulnerable sectors;
- to promote structural transformation of the economy and the institutional framework.

15. In addition, the Agenda's global strategy is centred on the following areas:

- Productive restructuring;
- macro-economic stabilization programmes;
- institutional reforms;
- social development.

16. In order to attain this last objective, the social component of Agenda Venezuela, comprising 14 programmes, was designed to cater for the most vulnerable segments of the population, through immediate compensation of family incomes which had fallen because of the impact of inflation on spending on food, transport and health. It also endeavours to promote training for reintegration into the world of work and job-creation plans.

17. Of the 14 programmes of Agenda Venezuela, 11 directly benefit the child and juvenile population. These are:

1. Family Subsidy Programme. This programme compensates families of the more socially and economically vulnerable children enrolled in pre-school and special institutions and in primary schools up to the sixth-year in public establishments and private schools located in poor urban districts where social and economic vulnerability are particularly high, in order to help them meet their basic needs. This subsidy totals 4,800 bolivars per child and per month (approximately $10) up to a maximum of three children per family.

2. School Meals Programme. This programme is designed to improve the nutritional conditions of school children in pre-school, in the first to sixth grade of primary school, and in special education, ensuring them each day of a balanced meal with a calorie content of not less than 30 per cent of the total nutrition requirements for schoolchildren, according to their age.

3. School Uniforms Programme. This programme will provide uniforms for pupils living in absolute poverty in order to improve their chances of integration, participation and continuation in the Venezuelan education system. The purpose of the programme is simply to improve the educational conditions of schoolchildren enrolled in pre-primary schools, in primary education to the sixth grade, and in special education, in free government and private schools in poor urban areas, rural areas and areas whose population emanate from those sectors.

4. Day-Care Home Programme. This is a programme that provides comprehensive daily care for poor children between 0 and six years of age who are not enrolled in schools, and provides non-conventional care in the areas of nutrition, health and child development, while supporting the families of the mothers providing the care.

5. Student Travel Subsidy Programme. This is designed for the entire national student population attending primary, secondary, diversified and university establishments duly registered with the Ministry of Education. It includes the following: an indirect subsidy provided under Decree No. 520; a direct personalized ticket system; A student subsidy on the Caracas metro system.

6. School Breakfast, Snacks and Canteen Programme. This programme is designed to provide nutrition for children aged between 2 and 6 (whether institutionalized or not) and schoolchildren, by providing calories and protein through a quantitatively and qualitatively nutritionally balanced lunch (school canteens) and a pre-cooked corn pie enriched with a protein filling and a glass of soy milk (school breakfast-snack).

7. Extended Mother and Child Programme (PAMI). This is designed to provide nutritional support for pregnant women, nursing mothers and children under age 6 living in marginal urban areas and rural communities, and takes the form of a monthly delivery of 2 kg of milk and 3 kg of soy milk.

8. Strategic Food Programme. This programme provides a subsidy of up to 40 per cent of the cost of a food basket containing five basic foods (cornmeal, rice, oil, sardines and cereals). Under resolution 130 of the Ministry of Agriculture and Animal Husbandry of 3 June 1996, whole powdered milk is currently included in the basket as a basic foodstuff.

9. Youth Training and Employment Programme. This programme will provide training and integration into the labour market for children living in poverty, drop-outs from the formal education system and unemployed children, by coordinating efforts and resources of training institutions, promotion of employment and labour exchanges with the regional and local governments.

10. Medical and Surgical Equipment Programme. This programme will provide the minimum necessary medical and surgical equipment to a total of 2,200 health posts of the 4,125 that make up the country's health-post network, so as substantially to enhance the preventive and curative care of the population, as well as covering and, therefore, significantly reducing overcrowding in hospital emergency wards.

11. Medicine Supply Programme (SUMED). This programme is designed for patients seeking outpatient medical and dental treatment in the health establishments that come under the Ministry of Health and Social Welfare (rural clinics II, urban clinics I, II and III and hospitals I and II, bedside care in health districts) and suffering from illnesses that constitute the 25 principal reasons for seeking consultation in the region, as well as monitoring pregnant women and healthy children; this will provide coverage for over 70 per cent of the patients treated in those establishments. The programme uses the private pharmacy network, making it possible to provide over 5,000 medicine supply posts. At a health post under the programme a patient is given a prescription for one or two medicines, in accordance with standardized treatment protocols on which the SUMED's basic essential medicine list is based, in a special combination which he or she can take to any of the affiliated pharmacies, receive the medicines, and pay 20 per cent of the public sale price (PVP); the pharmacy pays 15 per cent and the Ministry of Health and Social Welfare pays the remaining 65 per cent. The medicine list contains 55 drugs in 110 pharmaceutical combinations.

Consolidated implementation for 1996

18. The consolidated financial level of the 1996 social programmes achieved a 95 per cent implementation rate, with a global investment of 337.7 billion bolivars (approximately $ 683 million) representing 1.52 per cent of gross domestic product (GDP). This sum was used to strengthen the school network, the home day-care network and the primary health-care network, among others.

19. Generally speaking, the physical execution of the social programmes of Agenda Venezuela 1996 was highly satisfactory. However, there were programmes which, by their very nature and because of administrative problems, did not attain the expected levels; they include the Medicine Supply Programme (SUMED), which posted a 55.5 per cent execution rate for October 1996, unlike the Family Subsidy Programme, which achieved 98.5 per cent coverage and the Day-Care Home Programme, with 95 per cent.

20. Implementation in 1996 highlights the need for quantitative and qualitative improvement of the social programmes in the following areas:

Targeting that guarantees fairer distribution of social benefits to the populations;

coordination with States and municipalities, maintaining permanent consultation with federal agencies;

follow-up and monitoring of the social programmes through operational and financial auditing.

C. Second part of Agenda Venezuela

21. According to the latest ECLAC report, poverty levels have not risen in Venezuela, even though there has been no economic growth. This confirms that the social programmes of Agenda Venezuela have been successfully implemented. In view of this result, the second part of Agenda Venezuela is being devised, and its challenge is to move on from poverty alleviation to poverty eradication, for which reason it is planned to implement a micro-enterprise and micro-credit programme that will reactivate the economy. The International Labour Organization (ILO) is advising on the formalization of the guidelines, and resources will probably be received from multilateral organizations, such as the World Bank and the Inter-American Development Bank.

22. The objectives of the second part are:

to strengthen the family;

to train human capital;

to eradicate poverty;

to strengthen civil society.

23. It is estimated that the resources allocated to the social programmes will increase by 30 per cent to reach approximately 497 billion bolivars (approximately $1 billion) in 1998 and increase the number of beneficiary families to 4 million. The programmes to be strengthened include the Youth Training and Employment, Social Strengthening, Medicine Supply and Strategic Food Programmes.

Table 1

Social programmes of Agenda Venezuela

Programme	Budget 1996 (millions of bolivares)	Budget 1997 (millions of bolivares)	Target population
Family subsidy	173 260.8	172 299.7	3 158 993
Strategic food programme	12 050.0	17 984.9	1 643 647
School meals programme	13 544.0	31 243.0	729 291
School snacks, school canteens	21 459.9	52 004.0	1 206 194
Provision of school uniforms	37 416.4	48 045.5	3 289 999
Provision of medicines	4 202.0	5 789.1	3 683 351
Mother and child food programme	17 143.1	19 559.6	500 000
Medical surgical equipment	2 737.2	5 021.2	10 900 000
Day-care home programme	33 687.1	43 000.0	350 000
Student subsidy	15 776.5	15 776.0	987 758
Youth training and employment	10 077.7	7 150.0	50 763
Protection for the elderly	7 265.1	7 265.1	100 900
Social reinforcement	6 500.0	13 050.0	----
Increase in old-age pensions	22 617.3	28 162.4	162 490
TOTAL	**337 737.1**	**466 359.9**	**27 763 386**

Source : Central Budget Office (OCEPRE), Central Coordination and Planning Office of the Office of the President of the Republic (CORDIPLAN), Ministry of the Family.

II. DECENTRALIZATION OF CHILD-CARE SERVICES

24. Since 1989 Venezuela has been progressing with the process for the transfer of areas of responsibility and services from the National Executive to the states and municipalities. One such area of decentralization is child protection. The Organic Law on Law on Decentralization, Demarcation and Transfer of Competence from the Executive Power (by which the process is governed) states in its article 4:

> "In exercise of the concurrent competence established by the Constitution, and in accordance with the procedures stipulated by this Law, the following services currently provided by the National Executive will be progressively transferred to the States.
>
> ...
>
> 2. Protection of the family, especially minors…"

25. The National Children's Institute (INAM), the body responsible for this last area, envisages national development of the process as part of a Three-Year Plan, covering all forms of child protection, as a corporate strategy facilitating and expediting the success of its mission by fostering greater participation and commitment on the part of the various governmental sectors in the management of the tasks assigned to the Institute.

26. The process is being gradually implemented, in such a way as to provide an adequate response to pending debt payment commitments and labour liabilities.

A. Overall status of the process

27. The INAM decentralization process was launched on 4 October 1993 with the signing of the Transfer Agreement with the Aragua state government. The child-care services of Mónogas, Lara and Carabobo states were transferred on 12 July 1995. The transfer programmes of Miranda, Zulia and Trujillo states were submitted for approval by the Senate of the Republic in December 1996. The Sucre state programme was approved on 1 July 1996. INAM has set itself the goal of signing the agreements with these four States by 30 October of this year.

28. Co-management agreements were signed with Táchira, Barinas, Yaracuy, Nueva Esparta and Anzóategui States in 1997, and the transfer programme with those States is already being prepared. To date, the Institute has signed service-transfer agreements with the authorities of the Sotillo and Anaco municipalities in Anzóategui state, Araure in Portuguesa and San Cristóbal in Táchira. In addition, it is preparing agreements with the municipalities of Independencia in Yaracuy, Turén in Portuguesa and Rivero in Sucre State, with a view to establishing services for the registration, monitoring and referral of minors, as part of the creation and strengthening of local child-protection networks.

B. Terms of transfer

29. The roles of INAM and the Regional Executive were redistributed, the former being allocated a guidance role in the form of definition of policies and

programme guidelines, with development of advisory, supervision and evaluation activities, as well as training and research.

30. The Regional Executive now defines and implements local policies, programmes and plans in line with INAM policies and guidelines. It is also responsible for financing the service and organizing it with the support and guidance of the guiding body.

C. Results of transfer

31. As regards the already decentralized child-care services in Aragua, Lara, Mónagas and Carabobo states, the transfer of staff, financial resources and the various programme methods have already been completed. A total of 104 centres were transferred covering all types of existing programmes with the exception of consent for adoption, which has remained centralized to permit more effective monitoring of the process.

32. Regarding the service provided by the Regional Executive, it should be explained, as an indication of the way its new competence is developing, that although no qualitative evaluation of the management has been possible, owing to the short period that has elapsed, the following have been observed:

Greater support for management of the service through co-ordination with other government units, making for better use of resources;

A gradual increase in the allocation of financial resources by government bodies;

Analysis of the 1996 implementation reports submitted by the decentralized services show an increase in the number of minors receiving care. The actual figures are as follows:

	1995	1996
Mónagas	5 985	21 358
Lara	70 306	104 983
Carabobo	26 919	38 734

33. Mónagas and Lara States have prepared their respective draft laws for establishing a State child-care institute for each state.

34. In general terms, the INAM decentralization process so far covers 14 states, accounting for 65.21% of the national service. Of these, only in Aragua, Mónagas, Lara and Carabobo has the transfer been completed. In Zulia, Miranda, Trujillo and Sucre States, all the preparatory phases for the signing of agreements during the first half of this year have been completed. Five other states (Táchira, Yaracuy, Barinas, Nueva Esparta and Anzóategui) have been at the co-management phase since January 1997. The Institute expects to complete the process in 12 states, representing 52.17% of the country's total, by the end of the current fiscal year (1997).

D. Municipalization of child care

First national meeting of Mayors: "The Children's Friends"

35. There is a country-wide concensus that child-care services should not only be decentralized to the States, but that the process should go even further and involve local governments in that activity. With that in mind, the *First National Meeting of Mayors: The Children's Friends* was held in April 1994 in Venezuela. The main objectives were to exchange ideas, proposals and activities for child care and protection of children's rights in our country and promote, at the municipality level, continuing promotion of awareness, surveillance, of children's living conditions, for which the National State has prime responsibility. This meeting was also useful for reviewing and ratifying the national and international agreements on the rights of the child to which Venezuela committed itself at the World Summit for Children in 1990.

36. After several days of discussions the meeting produced the so-called *"Caracas Commitment"* which contains the following provisions:

Promotion of the preparation and implementation of municipal programmes in the context of the National Plan of Action for Children and the country's policies on the social and economic aspects of human development;

Contribution to the attainment of the goals agreed upon at the World Summit for Children, taking due account of the expertise, characteristics and particular features of each municipality in the areas of health, nutrition, water, environmental sanitation, education and civic rights of children;

Support for the municipal initiatives and processes of decentralization and devolution, and strengthen the municipalities' current autonomy so that the municipal governments may have the expertise and resources they need to succeed in solving local problems. To that end, it will be necessary to make provision for the municipalities when restructuring the distribution of expertise and resources among the various levels of government and the provision of local public services;

Promotion of the organized participation of the population (non-governmental organisations, community groups) through parochial boards in municipal child-care programmes;

Continued efforts to increase social investment and adequate allocation of resources at the municipal level, to actions in favour of the poorest segments of the population, particularly children;

Guidance for municipal activities, bearing in mind the need to: define population groups and areas of attention in accordance with the criterion of risk to and vulnerability of children; increased capacity to make local diagnoses; promotion of full community participation and organization; development of child-care policies with a comprehensive focus; to mobilization of national and international resources for activities in favour of children and the establishment of information, training and co-operation networks among municipal authorities; and recognition that State

policy must assign priority to children in any area of national organization.

The municipality and social management

37. In an effort to further develop the decentralization process in Venezuela, and given the important role of the municipalities in that process, meetings were held throughout 1997 between representatives of the social Cabinet, municipal government agencies and authorities to develop the municipalization of the social programmes contained in Agenda Venezuela and other State social programmes. In this connection, during the first eight months of 1997 five regional one-day meetings were held with the participation of 330 mayors in the country (see table 2). These meetings, entitled "The municipality and social management" are part of a country-wide decentralization strategy and have the following objectives:

To exchange opinions and experiences among the national, state and municipal authorities on social management;

To establish coordination mechanisms for implementation of social programmes;

To identify specific areas and programmes whose management could be assumed by the municipality.

38. In this context, INAM has published the Local Child and Juvenile Protection Networks Programme to be implemented in the various municipalities.

E. Decentralization of child care and participation of civil society: the case of the Local Comprehensive Child and Juvenile Protection Network

39. Since 1995, the National Children's Institute has been developing this new conceptual and methodological proposal in a number of the country's municipalities, in an attempt at co-ordination with the government and non-governmental sectors. The purpose is to provide effective responses to the various situations of discrimination, violation of rights and neglect suffered by a large proportion of children and adolescents, especially those living in situations of neglect and social risk; children suffering from labour or sexual exploitation, or children wandering on the streets, using drugs and begging or children who are victims of criminals who use them for illicit activities.

40. The main characteristic of these experiments was their capacity to generate activities that foster decentralization and community participation with regard to care and protection of children and juveniles, adopting an intersectoral approach, with the result that all the bodies involved have been playing a protagonistic role in problem solving: INAM, State governments, legislative assemblies, municipal authorities, government agencies, civil society, families, children and juveniles.

41. The Local Child and Juvenile Protection Network is also an initiative forming part of the paradigm of comprehensive protection present in the Convention on the Rights of the Child. In this connection, the Network seeks to

assign to society as a whole the task of safeguarding and protecting children and adolescents, with particular reference to those whose rights are violated and, hence, are exposed to abandonment, begging, street life, sexual or labour exploitation and drug abuse.

42. The objectives of the Child and Juvenile Protection Network are as follows:

Creation of local units attached to the various municipal authorities to promote intersectorality and management control, making it possible to channel and/or create offers of services from the state and civil society in accordance with the specific needs and requirements of the child and juvenile population in each municipality;

Developing practical activities that channel the participation of each locality's living forces into strengthening individual and community attitudes and behaviour with a view to comprehensive protection of children and adolescents;

Taking immediate action in education, health, nutrition, labour protection, recreation and social and family protection for children and adolescents living in particularly difficult circumstances, in order to promote their integration into society as full fledged citizens;

Training the staff of the municipal authorities and the citizens as a whole to defend and protect the rights of children and adolescents.

Services promoted by the Network

43. The Network proposes a local system of care and prevention services that not only provides an immediate response to the specific needs of children and juveniles in their localities, but also develops activities of dissemination and education that promote a culture of respect for the rights of the child and strengthen the family nucleus in its fundamental role of protection and training. These services are:

a) Care services

i) Comprehensive outpatient care. Children and juveniles discovered living in situations of risk and with family ties will be cared for in the areas of social and family guidance, health, nutrition, school grading, legal assistance, work training and recreation, among others, in co-ordination with existing municipal services and programmes. Family and community support is the fundamental basis throughout this process;

ii) Care in temporary homes. Children without family ties will be housed in residences in which they are not deprived of their freedom and which serve as a temporary protection refuge. In those homes their situation is assessed and they are encouraged to be reconciled with the family or be reintegrated into their family nucleus or in other alternative forms of

family or institutional protection, such as those envisaged in Social and Family Reintegration Network;

iii) Care through the Social and Family Reintegration Network. Children who cannot possibly be reconciled with their original families will be cared for in alternative homes, foster homes, therapeutic centres for drug addicts or residential workshops, depending on their particular needs and problems. This is all done in co-ordination with the legal procedures in force for the purpose of guaranteeing children the care and protection they need, so that, in the shortest possible time, they can be pronounced adoptable and may be taken into a family which would act as their guardians;

b) Prevention services

i) Educational campaigns for families, school establishments and communities. Each of these sectors is supplied with information and guidance to enable them to adopt attitudes and behaviour that prevent the emergence of the problem, and to promote actions in defence of the rights of the child. This will involve organization of activity such as dissemination of information through the existing local or regional mass media, distribution of information material, preparation of community and school periodicals or pamphlets, schools for parents and talks, forums and plays in the educational establishments and in neighbouring communities;

ii) Information materials bank. Activities will be conducted with a view to compiling and inventorying all the information possible to be used in prevention campaigns. It also includes publication of new materials required for those purposes;

iii) Community support committees. Neighbourhood committees will be formed to promote all the prevention and children's defence activities in their communities. They could undertake tasks such as surveillance and receipt of information on the problems (complaint reception committees), the organization of substitute homes at community level (placement of children in community foster homes), activities for positive use of leisure time or educational strengthening, organization of schools for parents, neighbourhood periodicals or bulletins, etc;

iv) Clubs of friends or sponsors. These would be formed in order to motivate sectors of the community or organized groups (such as unions, social clubs or associations) to encourage their members to become sponsors or friends of children or adolescents forming part of the local network, and in this way provide them with support for activities such as the award of scholarships, family support and guidance, celebration of birthdays, Christmas fairs, organisation of children's sports clubs, walks and holidays;

v) Training the police and security forces. This is designed to provide information and guidance for the police and security forces in order to increase their awareness of, and educate them in, the fundamental role they play in the prevention and treatment of the problem of abandoned children and children at risk.

vi) Surveillance and complainant reception centres. These could serve as headquarters of the Local Protection Units and would be responsible for activities such as receiving complaints and reports of cases and referrals of children and adolescents in the municipality in a situation of risk and abandonment. They could also, inter alia, promote and implement permanent surveillance and control campaigns in those geographical areas identified as high-risk zones, promote the promulgation of orders to monitor minors remaining on the streets during the night and laws regulating the access of minors to places of adult recreation;

Actions implemented by local Comprehensive Protection Units.

44. The Local Child and Juvenile Protection Network is established in each municipal locality. It has its administrative base in a Local Comprehensive Protection Unit, attached to the municipal authority in question. Its task is to expedite the processes of co-ordination and integration of all the strategic members of the Network, and to promote the linkage of the various public and private programmes and services existing in the municipality, in order to launch the activities for comprehensive protection and defence of the rights of children and adolescents. This unit is also responsible for the recording, monitoring and control of the management of the care and prevention services promoted by the Network in each locality.

45. The specific actions conducted by the Local Comprehensive Protection Unit are:

- To encourage the promotion, dissemination and information strategies contemplated in the prevention service;

- To carry out the quantitative and qualitative recording of the population of children and adolescents in situations of abandonment, danger of exploitation in the areas selected as high-risk zones;

- To compile the inventory of the infrastructure, services and programmes - both public and private - within the municipality that are connected with the areas requiring attention: health, education, labour, recreation, sport, culture and social and family issues;

- To handle the inventory of governmental and non-governmental organisations, community organizations or churches involved in care and protection activities;

- To compile the inventory of factories, industries, businesses, banks, supermarkets and, in general, all bodies that comprise the municipality's profit-making private sector;

- To promote the establishment of interagency agreements and conventions in order to boost the local network's activities;

- To receive complaints and referrals of cases of children and adolescents in the municipality whose rights have been violated;

- To monitor and follow up the children and adolescents taken into the Local Protection Network;

- To process, in co-ordination with the INAM section group or its decentralized service, the entries, exits and transfers of children and adolescents subject to protection measures within the municipality.

46. Up to August 1997, 20 local networks had been established and were catering to 1,628 children living in particularly difficult circumstances. The establishment of 14 new networks is currently being promoted (see tables 3 and 4).

Table 2

The "Municipality and social management" Days
1997

Place	Date	Participating States (*)
Anzoátegui State	2, 3 and 4 April	Bolívar Miranda Mónagas Nueva Esparta Sucre Anzoátegui
Táchira State	29, 30 and 31 June	Apure Barinas Mérida Trujillo Táchira
Falcón State	19, 20 and 21 July	Zulia Falcón
Portuguesa State	16, 17 and 18 August	Yaracuy Lara Cojedes Portuguesa
Guárico State	6, 7 and 8 September	Aragua Carabobo Amazonas Apure Miranda District fédéral Guárico

(*) With the participation of these States' municipalities.

Source : National Children's Institute.

Table 3

National Children's Institute
and local comprehensive child and youth
protection networks, 1997

States	Municipalities	Target population
Anzoátegui	Sotillo Bolívar Urbaneja Anaco El Tigrito	341
Apure	San Fernando de Apure Guasdalito	141
Barinas	Pedraza Antonio José de Sucre Barinas Bolívar Zamora	308
District fédéral	Libertador	109
Nueva Esparta	Tubores Maneiros Mariños García	160
Trujillo	Valera	291
Táchira	Bolívar	222
TOTAL	20	**1 628**

Source : National Children's Institute.

Table 4

National Children's Institute

Local comprehensive child and youth protection networks, 1997

States	Municipalities
Amazonas	San Fernando de Atabapo
Delta Amacuro	Tucupita
Portuguesa	Araure
Táchira	San Cristóbal Urdaneta Junín Jauregui García de Hevia
Yaracuy	Independencia San Felipe Cocorote Bolívar Aristides Bastidas Páez
Total municipalities	**14**

Source : National Children's Institute.

III. PARTICIPATION OF CIVIL SOCIETY IN CHILD PROTECTION

47. Attention to children and adolescents - constituting a major group of public policies in Venezuela - has had a variety of focal points, ranging from emphasis on juvenile participation and recreation programmes to promotion of programmes that address specific problems by which this segment of the population is seriously affected. They include special attention given to the framing of policies and programmes, problems of exclusion of juveniles at school and in employment, and in health: malnutrition, teenage pregnancy, sexually transmitted diseases, drug use and abuse, and more recently, accidents and violence.

48. Against this backdrop, special attention should be called to paternalistic practices deeply rooted in the State's approach when drawing up plans and programmes for the child and adolescent population, which are apparent in the analysis in the context of participation of civil society in the area under consideration. Three distinct phases in the creation and development of the aforementioned plans may be distinguished, ranging from exclusive State participation to a position of State openness that encourages community participation. The phases are as follows:

a) First phase: the State assumes responsibility for prevention and focuses it on protection of individuals at risk (1936-1960). In the face of civil society's constantly expressed concern for the situation of children, the Venezuelan State established the Venezuelan Children's Council (7 August 1936, now transformed into the National Children's Institute), an honorary body whose main task would be to "monitor and co-ordinate private and official bodies devoted to mothers and children and study the medical and social problems of mothers and children in Venezuela". The initial programmes devised in the area with which we are concerned resulted in the opening up to democracy which occurred in the country between 1936 and 1948. The community identified the problem and the State offered its protection to the weak, assuming full responsibility for action and entrusting its development to technicians or experts, while the society was heeded, but without becoming an active participant;

b) Second phase: the State expands the object of prevention and promotion of family protection (1960-1975). After the dictatorship of Pérez Jiménez, in 1958 (which lasted ten years), a Social Child-Protection Plan was devised in the face of new manifestations of popular dissatisfaction with the status of children in the country. The plan established the need to expand the State's coverage of prevention, declared that little would be achieved by working only with an individual emerging from a problematic situation where the family nucleus was a fundamental agent of the social and emotional disturbances suffered by that individual, with the consequence that the intervention of government agencies working in the community was proposed. The state still considers itself solely responsible for deciding how to deal with matters relating to children; hence the continued paternalistic and assistance-oriented tenor of its actions. This is manifest in the State's attempt to channel the incipient citizen participation along avenues defined by government machinery;

c) Third phase: from 1975 to the present. Interest in social development and problems relating to identification of the evil of paternalism. The sudden wealth that the State is obtaining from the vast income generated by from oil exploitation enables it to maintain a hegemonistic role and prolong implementation of assistance-oriented policies; community participation was reduced to declarations of support for the plans. However, as a result of social pressures by the population demanding a more active role in the solution of problems, social measures for preventive action on the part of the community have emerged from the health sector, and include promotion of grassroots organizations in the urban districts.

A. First experiment with community participation: the case of day-care homes

49. In 1974 the community began its active involvement in child care, specifically through the establishment and consolidation of day-care homes (HCD). This programme, sponsored by the Children's Foundation (under the authority of the First Lady of the Republic), was the first to use the community's resources in a context of respect for its cultural patterns, to promote health and care for children under age 6 during the hours in which poor mothers were working away from their homes. It provides a spontaneous form of care in keeping with the custom of many mothers work away from home, who pay a friend or neighbour to look after their children in their absence, thereby remedying the deficiencies in the coverage of the conventional State services for the care of children of pre-school age.

50. Hence the idea of training foster mothers to provide a comprehensive child-care service, transforming their task into a greater source of family income and improving children's quality of life.

51. In principle, a day-care home catered for a maximum of five children between three months and six years of age who needed daytime care during their mother's absence at work and who were not incorporated into the conventional pre-school care systems. The Children's Foundation provided economic resources for food and to cover part of the cost of care (the other part being covered by the biological mother). As an initial incentive for joining the programme, the home could be given a lump sum for preparing the home.

52. The HCD programme initially included the social technology as required for establishing a home, a process for promoting the programme within the community, a community diagnosis and continuous evaluation once the home was established.

53. During its first phase, which ended in 1989, it was considered important that the programme should be requested by the community. This gave rise to the creation of 3,000 day-care homes. The institution was seen as a catalyst for community participation.

54. The main problems encountered concerned the shortage of experts to train the foster mothers and evaluate their work, in addition to difficulties in promoting the programme.

55. From 1989 onwards, as a consequence of the economic, social and political crisis experienced by the country, it was decided to upscale the programme and

the State made it part of its poverty-alleviation policy. With the upscaling of the programme, new criteria were introduced into its design with regard to care of children with a high malnutrition rate, even though they were children of mothers not working outside the home, as well as fee exemption for those children's parents.

56. This upscaling converted the programme into a state spearhead for social change, since, by including remedying the malnutrition problem in its goals, it penetrated geographic areas that had been previously unattended because they did not meet the requirements of housing and accessibility for promotion staff, which, in turn, generated other types of basic services for the population. By catering for nutrition problems, the HCDs, and especially the multi-homes (where 30 children were cared for by three foster mothers in very poor areas with insufficient premises), became health-care centres entrenched in the community, managed by the community, and responding to the community's needs.

57. The home and multi-home action is currently one of 14 social programmes on Agenda Venezuela, with a budget of 43 billion bolívares (approximately 87 million dollars). It has succeeded in expanding coverage from 79,118 children in 1990 to 350,000 children in 1997. It is also considered to be one of the most successful plans of recent administrations. The challenges facing it at present consist of improvement of the quality of the care dispensed and extension of the programme to all the municipalities.

58. One of the programme's problems is its difficulty in making timely payments to the NGOs involved, which causes temporary suspensions of the service or a deterioration in its quality. A total of 768 non-governmental organizations are currently participating in this programme.

B. Joint action by the National Children's Institute and civil society. Case of the Juvenile Recovery and Directed Recreation Plan

59. INAM, with knowledge of the multi-home experiment and the aim of enhancing the effectiveness of comprehensive protection activities established by the law, in 1994 designed the Juvenile Recovery and Directed Recreation Plan, with the following aims:

a) To promote the establishment of a social child-support network;

b) To foster and develop community actions in favour of children and in support of the family, by:

i) promoting the organization of juveniles and families;

ii) offering training, cultural, recreational and sports activities for children and juveniles.

iii) training and qualifying adolescents, juveniles and families for work.

The Plan's support to community organizations permits the develcpment of programmes that provide effective responses to the needs of children and young people in a specific locality.

60. Those involved in a public centre or service, as well as organized society, may propose projects for access to financial resources and work for activities on behalf of children. This transfer is accompanied by technical and administrative advisory services and monitoring and evaluation of the work plan on the part of the State.

Agreements with the civil society

61. The resources of the Juvenile Recovery and Directed Recreation Plan have been used to finance implementation of 63 agreements with civil non-profit associations, over a period of 2½ years (see table 5). Under these agreements, INAM develops highly important programmes such as day-care homes, community homes to prevent school drop-out, out-of-school training, care for street children, promotion of cultural and sports organizations and the first public programme providing comprehensive care for abandoned disabled children. This enables it to cover areas such as education, training, social welfare and recreation (see tables 6 to 19). Coverage has also been extended to 49,58 new users at a cost of 417,782,967 bolívares (approximately 844,005 dollars).

C. Main problems facing the participation of civil society

62. In June 1995, INAM coordinated the Subregional Andean Meeting on Mental Health and Psycho-Social Development of the Child, with the sponsorship of the Pan American Health Organization (PAHO), the United Nations Children's Fund (UNICEF), the World Organization for Early Childhood Education (WOECE), the United Nations Educational, Scientific and Cultural Organisation (UNESCO) and the Inter-American Children's Institute. That meeting evaluated the joint work carried out jointly by the State and civil society and concluded that it had posed the following problems:

- Inadequate levels of co-ordination between governmental agencies and non-governmental organizations in the social area;
- Dispersal of decision-making power among the executing agencies of the governmental sector;
- Poor State capacity to share responsibilities and management with other organizations and bodies;
- Few opportunities for promoting, disseminating and reporting significant experiences of coordination between government agencies and NGOs.
- Scant follow-up and evaluation of the co-ordination processes between the State and civil society at the national, regional and municipal levels;
- Poor coordination of the national bodies responsible for social management;
- Little stimulus to the private sector to support social programming;

- Lack of a unified strategy to regulate and establish norms for linkage between governmental agencies and NGOs.

63. Despite the aforementioned problems detected, credit is due for the progress implied in society's interest in organizing itself and participating in areas which have hitherto been the exclusive preserve of the State. Moreover, the State has made visible efforts to open up space for action by NGOs and has supported their actions.

64. The most important conclusion reached by the meeting was the need for the countries attending to again prepare national intersectoral plans on behalf of children and incorporate them officially into their national plans. It was unanimously agreed that the inclusion of civil society in the preparation of those plans was imperative.

65. As a result of this meeting, Venezuela launched and completed an intersectoral plan to replace the 1990 National Plan of Action, but once more came up against difficulties in institutionalizing it.

Table 5

Juvenile Recovery and Directed Plan

Agreements concluded between INAM and civil society*

Area	No. of agreements	No. of beneficiaries	Amount (bolivars)
Social protection	32	23 008	313 651 595
Education	29	22 615	102 440 372
Training	6	3 312	963 000
Sports	2	900	-
Culture	3	223	728 000
Total	**63**	**49 558**	**417 782 967**

* Information updated on 31/08/97.

Source : Programme Management Control Department, INAM.

Table 6

Child and youth recovery and directed recreation plan

Area : social protection *

Federal entity	Association	Activity	Beneficiaries	Amount allocated	Project target area	Objectifs Objectives
Federal District	Obra Social de la Madre y el Niño	Care for teenage mothers	80	33 600 000	Libertador municipality	Medical and educational attention for minors and single mothers and their children
	ATENEA Foundation	Day-care home	696	38 357 756 Free loan	Sucre municipality	Directorate and management of the Gustavo H. Machado Centre
	Franciscan nuns	Audiology centre	100	11 000 200 Free loan	Vargas municipality	Treatment and education for hearing-impaired children impa
	Don Orione	Day-care homes for children with disabilities	40	61 200 000	Vargas municipality	Care programm for children with disabilities
	FUNDAPA-RROQUIA	Day-care home	10	Joint management	Vargas municipality	Day-care home programme
	Principio de la Sabiduría	Community crèches	32	2 528 000	Libertador municipality	Commnity crèche programme
	Education project	Community care centre	-	Free loan	Libertador municipality	Implementation of the community care centres
	Abanza (Mi Refugio)	Family crèche	24	7 259 760	Federal District	Day-care home centres
	Benposta Nación de Muchachos	Family crèche	30	8 502 408	Vargas municipality	Complete care for abandoned children
Federal District	Niña Madre	Assistance for abanduned small and adolescent girls	60	16 000 000 Free loan	Libertador municipality	Equipment and refurbishing of the Cochera a Puente centre for implementation of the Halfway House programme
	ARENISCA	Children's hostel	40	13 333 640 Free loan	Libertador municipality	Care for street children
	Nueva Esperanza	Family crèche	25	3 200 000	Libertador municipality	Complete care for abandoned children
	Bambi Home of Venezuela	Family crèche	69	20 420 000	Libertador municipality	Immediate chil-care centre programme
	Misioneras Mercedarias	Family crèche	8	2 880 000	Libertador municipality	Family crèche programme
	Asocamboya Generación 26	Community cultural and sports programme	2 098	4 046 000	Libertador municipality	Community action programme
	International Social Service	Advisory and support service for the INAM intercountry adoption programme	150	5 127 070	Libertador municipality	Intervention in custodial arrangements, abduction of minors, intercountry adoptions, visiting rights
	Fundación Acción Social of Libertador municipality	Care for street children	100	Free loan	Libertador municipalitiy	Care for abandoned children, especially street children
	Don Bosco Homes network	Care for street children	70	11 960 000	Libertador municipality	Open Dormitory-courtyard
Amazonas	Amigos del Yanomami	Health	4 113	935 000	Ature municipality	Primary health care

Federal entity	Association	Activity	Beneficiaries	Amount allocated	Project target area	Objectifs Objectives
	AMAZONIA	Dental care	2 348	11 211 775		Dental care
Anzoategui	Sotillo municipal authority	Hostel for street children	250	Free loan	Sotillo municipality	Local child and youth protection network
	Anaco municipal authority		1 000	Free loan	Anaco municipality	Local child and youth protection network
Aragua	Hogares Crea	Day-care home Care for drug-addicted children and juveniles	60	27 000 000	Zuata	Treatment for boy drug addicts
Mérida	Don Bosco	Reception home Temporary home	500	10 000 000	Mérida	Care for abandoned childre and/or children at risk
	Queremos Ayudar	Community home	100	1 975 000	Mucujepe zone	Complete care for childre aged 7 to 12 or children with problems at school
Táchira	Esclavas de la Inmaculada Niña	Reception home	37	12 199 641	El Cobre	Reception homes programme
	San Cristóbal municipal authority	Workshop-home	100	Free loan	San Cristóbal	Recovery of the J. González local workshop-home's sports fields, kitchen and dining room
Zulia	ORDACIFAM	Immediate child protection centre	30	2 495 145	Maracaibo	Immediate protection centre
Portuguesa	Araure municipality authority	Community care centre	1 000	Free loan	Araure municipality	Community care centre. Local child and youth protection network
Sucre	Sucre municipal authority	Social protection	500	15 000 000	Sucre municipality	Equipment of the Cumaná workshop-home and repairs to the 15 D and 23 A water tanks

- Data updated on 31 August 1997.

Source : INAM Programme Management Control Department

Table 7

Child and youth recovery and directed recreation plan

Area : education *

Federal entity	Association	Activity	Benficiaries	Amount allocated	Project location	Objectives
Federal District	Autonomous Institute, National Library	Fact-sheet publications	-	1 943 881	Libertador municipality	Production of fact-sheet publications
	ASODECO	Care for young people with disabilities	20	10 000 000	Baruta municipality	Vocational training
	La Calle de los Niños	Cultural programme	1 250	600 000	Libertador municipality	Care of street children
	MAIZAL	Community crèche	100	3 028 000	Libertador municipality	Children's club, out-of-school education, community crèches
	FONDENIMA	Care for abused children, and training in prevention	1 590	2 000 000	Libertador municipality	Prevention and care for abused children and parental community-group training
	SORDOS CIEGOS	Care for children with disabilities	20	1 740 605	Sucre municipality	Complete care for deaf and blind children
	Supplementary education programme	Extramural support	250	2 916 700	Libertador municipality	Complete care for children in especially difficult situations
	Movimiento Educativo Popular Integral	Extramural support	330	5 364 000	Libertador municipality	Care for children and juveniles in the Catuche commune
	Churum Meru Youth Group	Community crèche	657	2 148 786	Libertador municipality	Complete care for children and juveniles living in the San Andrés district
			767	4 534 353	Libertador municipality	Training for children as part of cultural, recreational and sporting activities
Falcón	Fe y Alegría	Extramural support	40	2 000 000	Santa Rita de Cumaleo	Bus repairs
Portuguesa	Tambor y Fuego	Extramural support	500	975 000	Acarigua	Community action programme

* Data updated on 31 August 1997.

Source : INAM Programme Management Control Department

Table 8

Youth recovery and directed recreation plan

Area : training*

Federal entity	Association	Activity	Beneficiaries	Amount allocated	Project location	Objectives
Yaracuy	FUNDA-YARACUY	-	140	-	San Felipe	Formation professionnelle dans la maison-atelier Ricardo H. Ortiz
Federal district	Fundación de Escuela de Gerencia Communitaria	Vocational traininig	792	Commodat	Libertador municipality	Community training
	Venezuela ORT	Vocational traininig	240	-	Metropolitan area	
	IBM FUNDAYA-CUCHO	Simón project	1 920	Cogestion		Educational support using advanced techniques (computer and telecommunications technology)
	CEDIHAC	Training and social protection	40	963 080	Chacao municipality	Adequate stimulation during pregancy and stimulation for children under 3
Bolívar	Angostura	Training	180	Cogestion	Bolívar City	Vocational training in 9 fields

* Data updated on 31 August 1997.

Source : INAM Programme Management Control Department.

Table 9

Child and youth rehabilitation and directed recreation plan

Area: sports

Federal entity	Association	Activity	Beneficiaries	Amount allocated	Project location	Objectives
Yaracuy	Yaracuy Domingo State Sports Foundation	Sports	600	Joint management	San Felipe	Sports participation
Miranda	Savio	Sports	300	1 557 000	Sucre municipality	Popular football school for children

- Data updated on 31 August 1997.

Source : INAM Programme Management Control Department.

Table 10

Child and youth rehabilitation and directed recreation plan

Area: culture

Federal District	Association	Activity	Beneficiaries	Amount allocated	Project location	Objectives
Federal District	Ensamble Teatral	Theatre	20	Free loan	Libertador municipality	Introduction of children to acting
	Teresa Carreño	Dance	15	Joint management	Libertador municipality	Professional artistic training and/or technical training
Carabobo	Queremos Ayudar	Crafts, music, sport	180	728 000	Quartier Los Eucaliptos Los Eucaliptos district	Cultural development

- Data updated on 31 August 1997.

Source : INAM Programme Management Control Department

IV. PROCESS OF HARMONIZING VENEZUELAN LEGISLATION ON THE CHILD AND YOUTH POPULATION WITH THE PRINCIPLES OF THE CONVENTION ON THE RIGHTS OF THE CHILD

66. Venezuela possesses a long history of child protection that has paralleled the history of its endeavours to develop a democratic regime in directing its destiny. There are three clearly differentiated stages in this area and three legal instruments governing particular methods of protecting and caring for children.

67. First phase (Implementation of a care model). This stage covers the period between 1936 and 1960 and is based on the thesis that the State can successfully substitute itself for the family through institutional protection. It was during that period that a large institutional internment network was established and that two of the special laws we have had for the regulation of State protection for socially disadvantaged children and juveniles were prepared. The first is the 1939 **Minors' Code** and the second the 1950 **Statute of Minors**. Those instruments exemplify different forms of action on behalf of children and important points of convergence that have been transmitted down through several generations.

68. The Minor's Code limited State responsibility to "surveillance, education and protection of children under 18 who are either morally or materially neglected or have committed offences" (article 1). This meant that the State would only cater for children and adolescents when they posed a social problem and that the general protection they required to promote their overall development was basically a matter for private organizations.

69. In 1950 the Statute of Minors, which superseded the 1939 Code, endeavoured to adopt a less restrictive approach, declaring that "it is the inescapable duty of the Government to assure children of the means and conditions necessary to attain total moral and intellectual development", and indicated that the Statute was being promulgated to remedy existing legal lacunae, recognizing rights of children, stressing the need to protect children under 18, preferably within the family, and establishing protection of the latter, regardless of the civil status of the parents. Moreover, it granted to the States of the Union, the municipalities and individuals, the possibility of creating subsidies or establishments for the support and protection of pregnant women, mothers and minors, always under the watchful eye of the Venezuelan Children's Council (now the National Children's Institute). In the Statute, the State's right to continue its surveillance of minors (in situations in which the minor has been abandoned) established by the Minors' Code is replaced by State wardship, with adoption and placement in families as alternative measures to institutionalization.

70. The 1939 Minors' Code clearly established the need to differentiate in treatment between two groups of minors: abandoned children and children in conflict with the law; but with the advent of the Statute of Minors and the incorporation of this concept of irregular situation, this differentiated treatment disappeared.

71. Both laws emphasize care and protection only for what is considered the most vulnerable segment of the child and youth population, although the initial

declarations of the Statute expressed the intention to cover the entire under-18 population.

72. Second phase (attempt to develop the irregular situation model). From 1950 onwards, the Venezuelan State expanded the institutional internment network with a view to promoting development of the various institutional care models contemplated in the Statute of Minors. The fall of the Pérez Jiménez dictatorship led to a new phase in child care and protection, with recognition of the need to give preventive care precedence over institutional treatment, stressing the imperative of action within the community, through semi-open institutions, parks for organized recreation, youth assistance services, street educators, family subsidies, scholarships and, generally speaking, family protection and reinforcement programmes.

73. Since 1957 there has been constant discussion on the need to lower the age of minors' criminal responsibility; this discussion became particularly intense towards the end of the 1960s, and it is still a topical subject today, indicating the discontent generated by the treatment meted out to minors in conflict with the law in application of the irregular situation paradigm.

74. Third phase. (crisis of the irregular situation model). The mid-1970s witnessed a crisis in State care of children and adolescents; criticisms of its inefficiency and ineffectiveness became so acute as to lead to the promulgation of a decree for its reorganization in 1975. As a result, the Venezuelan Children's Council was transformed in 1978 into the National Children's Institute. In 1980 this reorganization was to result in a new juridical instrument, the Minors' Protection Act- This instrument introduced a number of new concepts into Venezuelan legislation on the subject, such as provisions relating to the presumption of the under-age status, the establishment of the principle that, in interpreting the law, precedence must be given to the interests of the child in accordance with the principles universally acknowledged by child legislation; provisions relating to family organization, including chapters on custody and visits, were developed in more depth, and specific procedures were established for those areas. However, the irregular situation paradigm was never abandoned and was strengthened with the emphasis the Act placed on the fact that only the child and youth population living in irregular situations would be catered for.

A. The Venezuelan State's efforts to reproduce a new draft law that would signify adoption of the comprehensive protection paradigm to replace the irregular situation paradigm

75. On 29 August 1990 Venezuela ratified the Convention on the Rights of the Child, through legislation approving it, published in Official Gazette No 34,541. It thus undertook to adopt the administrative, legislative and other measures needed to give effect to the rights recognized in the Convention, launching a new phase with regard to child care and protection, which required a legislative paradigm shift and incorporation of the theory of comprehensive protection in the future [[Protection of Children and Adolescents Act]].

76. The first effort under the foregoing framework took place as early as 1991 with the holding of the National Conference on the Rights of the Child (26-29 August), ordered by the national Government through Decree No. 1,208, published

in Official Gazette No. 34,601 of 23 November 1990. The above-mentioned conference brought together all the country's public and private child-care organizations to produce a national plan that would guarantee attainment of the goals set for it in the Convention on the Rights of the Child.

77. As a result of this national consultation, and specifically on the subject with which we are concerned, it was decided that

> "A review of Venezuelan legislation on children shows that from the normative viewpoint, the laws are sufficient, adequate and in line with the latest trends in international child law. Accordingly, there is little in the Convention that is not already established in the legislation. The cause of the problems is not lack of laws, but the weakness of the structures for enforcing them". (Los niños: el compromiso de las noventa, final version, page 4).

The following proposals were therefore made:

a) "To revise the Minors' Protection Acts, organizing the content of Book 3, concerning minors in irregular situations, so that the provisions relating to abandonment and State protection were included in a single chapter. This remedied the dispersed nature of the existing text, which made for delays and confusion at the decision-making level." In addition, it was advocated that this legal reform should be conducted …"with regard to the protection that the State must provide for minors in a situation of neglect and establish the obligation for a minor's judge to make a legal declaration of abandonment";

b) That "an article establishing that no person under 12 could be considered an offender or subjected to judicial proceedings or interned in a rehabilitation establishment" (*op. cit.*.) be included;

c) That the Adoption Act be reformed to include the regulations relating to international adoption (Republic of Venezuela: National Programme of Action 1991);

d) With regard to working children, it was requested that "the Minors' Protection Act be brought into line with the Organic Labour Act" (*op. cit.*).

78. The above-mentioned proposals in no way brought national law into line with the doctrine and the text of the Convention on the Rights of the Child; indeed, they contradicted the conclusions put forward by the participants in the National Conference which were set out in the document of conclusions (preliminary version). The latter established the need to:

> "evaluate the Minors' Protection Act on the basis of the new criteria and principles of doctrine contained in international instruments on the rights of the child and human rights" (Presidential Commission on the Rights of the Child, 1991).

79. The differences observed show the coexistence of two contradictory trends within the Conference. In the end, the option of retaining the existing legal approach based on the doctrine of irregular situation prevailed.

80. Although the holding of this conference resulted in the first activities for reforming the existing Minors' Protection Act, the reform process did not pick up pace until 1994, when it became extensive, plural and flexible inasmuch as it brought together sectors of the State and civil society involved with the protection and care of children and adolescents.

81. The process of popularization and consultation on the approaches that should be used in the new legal instrument was encouraged by a visit to our country by eminent specialists in the area of child and youth legislation in line with the Convention on the Rights of the Child. An effort was then made to grasp the new doctrine in question so as to carry out a wider-ranging reform geared to recognition of children and adolescents as subjects of law.

82. One particularly important aspect was the participation of children and adolescents in the entire process. One example is the municipal children and youth parliaments held in various regions of the country, at which the population benefiting from the new law expressed its views and claimed its rights.

B. Characteristics of the proposed reform of the Minors' Protection Act

83. The basic features of the reform, based on the Convention on the Rights of the Child, may be summarized as follows:

- Recognition of new rights for children and adolescents (right to express themselves, to hold opinions, to defend themselves, to form associations, to participate, to be listened to, to have a name and identity);
- The child or adolescent is perceived as a subject of law and not as an object of law;
- The Act is intended for the entire child and youth population and not only a part of it;
- The decision-making processes on the situation of children and the ensuring measures must be brief;
- Abolition of the term "minor", which is considered pejorative;
- Incorporation of the principle of progressivity in the exercise of rights by the child and juvenile population.

84. The proposal in question should have the character of an Organic Law; thus its provisions are to prevail over all other legal provisions existing in the country on the subject, with a view to establishing a coherent philosophy of comprehensive child and youth protection.

85. Following the foregoing guidelines, the National Children's Institute (with the collaboration of other bodies of the State and civil society) has offered three proposals for reform of the Minors' Protection Act, and specifically the latest preliminary draft law submitted to the Congress of the Republic (on 16 October 1996) organized into six chapters.

1. On the principles of comprehensive protection, the rights and freedoms of children and adolescents

86. This chapter spells out and gives effect to the principles enshrined in the spirit of the Convention: the principle of priority care for children, the higher interest of the child, the participation of civil society and other public and private institutions in the protection and recognition of children and adolescents as subjects of law. It establishes rights and freedoms such as the right to liberty, to information appropriate to one's age, to free expression, to freedom of opinion in matters concerning them and to participation, among other rights. Moreover, it clearly states that children and adolescents enjoy the specific constitutional guarantees and rights enshrined in the relevant international conventions, treaties and covenants signed by Venezuela.

87. Recognition of the right to a name and identity assumes a special importance. In this connection, the articles drafted attempt to address the problem of registration of children, a prerequisite for their recognition as citizens and, hence, as holders of rights. It includes the stipulation that all children must be registered at birth and shall have the right to a nationality (article 24).

88. The provisions envisaged in the draft reform fall within the framework of an ongoing discussion in the country, basically concerned with the late registration of children and the problems posed by the existence of children of undocumented parents; their access to registration and hence to a name and nationality is extremely difficult (see the chapter of the report on the status of undocumented children in Venezuela).

2. On family protection

89. The duty of parents or guardians to take an active part, in a context of joint responsibility, for education and any evolutionary process is stipulated, for which purpose they should have access to programmes of support and co-operation from civil society and the State. Special emphasis has been placed on international adoption, which is not covered in the existing special law. Emphasis is placed on the subsidiary nature of this type of adoption, on the need for centralized national monitoring and the advisability of establishing international agreements to achieve the specific goals of this type of adoption.

3. On the violation of the rights of children and adolescents

90. Special importance has been assigned in this chapter to the protection of fundamental rights, for which general protective measures have been established (Title 1). In this way, protection has been conceived in the broadest possible sense, both when someone injures or threatens the rights of a child or adolescent, be it the state or civil society (whether organized or not) or parents, teachers or representatives thereof, vis-à-vis whom the child or adolescent is subordinate or defenceless. Given the very nature of the rights protected, the injury or threat may be acts of commission or omission or failure to act to give effect to fundamental individual, collective or implicit rights.

4. On children and adolescents who violate the rights of third parties

91. In this chapter, the proposed Act, in accordance with the provisions of the Convention on the Rights of the Child, defines a series of rules and a specific procedure for members of the 12-18 age group who commits a punishable offence. It establishes responsibilities different from those determined for adults by the Venezuelan Penal Code, taking account of the specific characteristics of adolescence as a crucial stage in human development. The procedure proposed is one of brief adversarial trial.

92. Deprivation of liberty is considered to be an extreme measure to be used as a last resort, preference being given to sauce-educational activities in an open environment, with family and community involvement.

5. On State organization for comprehensive protection and for specialized administration of justice for children and adolescents

93. This book contains a model of social organization in which the central State ceases to be the only body conducting child and youth protection activities and programmes, to become the guarantor and promoter of any social action in which the participation of citizens, families, community organizations, local and State authorities is required for the defence and comprehensive protection of the interests of the child and juvenile population.

94. The model proposed is based on decentralized action, which defines powers for each of the State organs, clearly demarcating areas of competence, procedures and standards of performance in order to avoid excessive use of discretionary power and to achieve the necessary coordination among the various public and private bodies.

6. On offences and crimes against the rights of children and adolescents

95. This book defines offences and crimes that may be committed against children and adolescents and establishes the possibility of punishing natural or juridical persons. Also, the administrative method for sanctioning offences was selected, with a further proposal of sanctions contained in the laws of the Republic (reprimands and dismissals), and other types of sanctions such as fines and disqualification for specific periods of time in the exercise of public functions or occupation in the case of persons working in the private sector.

C. Chronology of the process of reform of the Minor's Protection Act. 1994-1997

96. As already stated, the legislative reform process under consideration here is plural and comprehensive, as attested to by the constant joint activities being conducted jointly at all times by State institutions (Ministry of the Family, National Children's Institute, Congress of the Republic, regional and local government), and of civil society involved with child and youth care and protection.

97. The activities to which we refer were intensified between 1994 and the present and constitute an intense effort on the part of the community and the State to meet the commitments undertaken with the ratification of the Convention

on the Rights of the Child. In the light of the above, the sections describe present the actions undertaken year by year. It should be pointed out that in a 12-month period (from 16 October 1995 to 16 October 1996) INAM, with the collaboration of the bodies mentioned previously, have conducted three successive approximations and proposals for amendment of the Minors' Protection Act currently in force.

1. Year 1994

98. Efforts were made in 1994 to disseminate the principles of the theory of comprehensive protection so as to achieve a full understanding of those principles and to introduce them into the pertinent reform.

99. On 6 April, at the Second American Meeting on Children and Social Policy, held in Santa Fe, Bogotá, Venezuela signed the *Nariño Commitment*, in which it once more undertook to: "speed up the processes for adapting domestic legislation and establishing machinery for the application of the principles established in the Convention on the Rights of the Child…"

100. In August, the INAM authorities met with the UNICEF representative for Venezuela, Athenia Montejo, and with Emilio García Méndez, UNICEF Regional Adviser for Latin America, to exchange views on the need to fulfil the commitment to make the relevant legislative changes needed to adapt the law to the Convention. At that time it was decided that it was imperative to initiate an educational process to publicize the principles and standards established in the Convention, since it was realized that there was no real appreciation in the country of the differences between the principles enshrined in the Convention and the principles on which existing children's legislation was based.

101. On 20 and 21 October a workshop sponsored by UNICEF and INAM was held, under the direction of Dr Edson Seda, (UNICEF regional adviser for legal matters) to begin promoting awareness of the need to change domestic legislation. The workshop was held at the auditorium of the National Gallery of Art in Caracas. Invitations were issued to juvenile court judges, the office of the Attorney-General, the judicial police, municipal police, crime prevention, the Department of Child and Family Care of the Ministry of the Family, the Ministry of Internal Relations, the Ministry of Education, non-governmental organizations, and INAM staff. It was poorly attended (basically by ENAM staff alone) so that the expected goal of dissemination was not achieved.

102. On 25 October, at the auditorium of the Museum of Fine Arts in Caracas, the second preparatory meeting for reform of the Minors' Protection Act was held. Invited were the following authorities, with competence for security and crime prevention: governors, mayors, judges and minors' procurators of the federal district and state of Miranda, State security forces, the Office of the Procurator-General of the Republic and the following commissions of the Congress of the Republic: against drug abuse, social affairs, neighbourhood affairs, youth, recreation and sport. The overall objective of the meeting in question was to address and coordinate strategies for joint actions that would benefit children and adolescents living in situations of social risk. Included in this plan was the presentation of INAM's proposal concerning the need to reform the Minors' Protection Law. The displays were presented by the Minister of the Family and INAM representatives.

103. In November the Ministry of the Family, through the sectoral Directorate-General Central Department for Child and Family Care (now attached to the National Autonomous Service for Comprehensive Child and Family Care - SENIFA), convened at the headquarters of INAM, again with UNICEF support, the second workshop entitled "The National Process for Substantive Adaptation", with three specific objectives: to define the paradigm of the doctrine of comprehensive contention; to discuss and identify the principles and basis for legislative reforms; and propose to action for initiating the process for reforming the Minors' Protection Act. This workshop was attended by Dr García Méndez and Dr Davalos, international experts on adjustment of legislation to the Convention on the Rights of the Child. Given the importance of the activity proposed, the meeting again did not have the expected results, and only the first two objectives were met.

2. Year 1995

104. The aforementioned activities for disseminating the principles of the Convention on the Rights of the Child continued in 1995, and the debate on the need to adjust our legislation to those principles was further intensified.

105. At the end of January, the INAM authorities issued a decoration concerning issued a declared the need to define guidelines for a change in reproach law regard to protection and care of children and adolescents. In addition, INAM presented to the Convention of Governors the paper in which it affirms furthermore fully need to adjust the law to the Convention on the Rights of the Child.

106. On 4 April, in the Security Cabinet, the need to change the Minor's Protection Act was evoked in the context of the design and execution of the National Security Plan.

107. INAM, with the support of PAHO, UNICEF, WOP, UNESCO, and the Inter-American Children's Institute, co-ordinated the Andean Subregional Meeting on Mental Health and Psychosocial Development of children. This meeting discussed the need to reform the Minors' Protection Act and a proposal was made to prepare an intersectoral plan for children (in line with the philosophy of comprehensive protection) to replace the National Plan of Action. On 26 June, the First Children Parliament was held at an extraordinary session of the Senate, where children spoke about their rights, and the situations that affected had changed and proposals on those subjects

108. On 6 July, encouraged by the worsening statistics on crime committed by minors, the Christian Socialist Party (COPEI), introduced in the Chamber of Deputies the proposal for draft partial reform of the Minors' Protection Act, which basically proposed lowering the age of criminal responsibility for young offenders, amending 12 articles of the Minors' Protection Act in force, and so gave the necessary motivation to parliament to deal with the problem of young offenders. The proposal in question suggested lowering the age of criminal liability from 18 to 16, more precisely, to create an intermediate level of responsibility for those under 18 and over 16, subjecting them to criminal punishment in the same jurisdiction as minors.

109. On 26 July, the President of the Chamber of Deputies, Dr Carmelo Lauria, informed INAM of the draft submitted by the COPEI party, and the Institute was invited to take part in the first meeting of the Special Commission that would start review of the partial reform of the Minors' Protection Act.

110. The above-mentioned meeting was held on 1 August. The Office of the Procurator- General of the Republic, the Ministry of the Family, INAM and the judicial police agreed to address the need for a much more extensive reform of the Minors' Protection Act then in force. Specifically, INAM had, ENAM suggested that attention should be paid not only to the current emergency, but also to the commitment undertaken by the country to adjust its legislation to the principles and legal norms of the Convention which Venezuela had signed. However, the Institute undertook to present in October of that year its observations on the draft partial reform of the Minors' Protection Act introduced in Congress by the COPEI party.

111. In accordance with the foregoing, the Ministry of the Family convened and set up a drafting committee to presence as an alternative of the proposal to the Congress of the Republic. The committee comprised juvenile court judges, criminologists, psychiatrists, UNICEF, CECODAP, Pastoral Familiar Counselling, the Ministry of the Family and management of INAM staff, which was responsible for its co-ordination. The group held consecutive meetings on 11, 17, 18, 25 and 29 August, 1, 8, and 13 September and 11 October.

112. In view of the urgent need to meet the deadline established by Congress, the committee worked on a partial reform of Book 3 and those articles in the rest of the Act relating to that book, and met its objective by the appointed date.

113. The second meeting of the Special Committee was held on 28 August and culminated in a clear consensus to reject the COPEI proposal on the grounds, inter alia, of its being a piecemeal reform, and in favour of a more comprehensive reform of the legislation concerning juveniles.

114. INAM issued invitations to *The First Meeting for the Study of a Reform of the Minors' Protection Act*, which was again attended by Dr Edson Seda, who presented support material entitled "From Irregularity and the Minors' Protection Act to Comprehensive Protection and the Convention on the Rights of the Child". The analysis was planned in three stages to target different audiences: firstly, INAM Headquarters and Congress staff, followed by judges and prosecutors, and lastly, INAM section directors.

115. On 19 October INAM and the aforementioned interdisciplinary committee submitted to the Special Committee of Congress the "Preliminary Draft Organic Law on Protection of Minors". This alternative proposal suggested dividing the content of chapter 3 into two chapters, one to deal with matters relating to minors whose rights are violated, and another to deal with minors who violated the rights of third parties. Congress referred the INAM counter-proposal to the members of the COPEI party and to various state and civil society institutions, which delivered their comments both to INAM and to Congress.

116. Some 110 persons were invited on 24 October to the first stage of the First Meeting for the Study of a Reform of the Minors' Protection Act, intended

for INAM officials and Congress. However, attendance was poor, consisting almost exclusively of INAM staff and members of the Special Committee of Congress studying the reform of the Act, whereas invitations had been sent to the Minister of the Family, members of the INAM Board (4), the INAM adviser in Ocumare del Tuy, senators of the Congressional Standing Committee on Youth, Recreation and Sports (6), parliamentarians on the Congressional Standing Committee on Youth, Recreation and Sport (14), senators of the Congressional Standing Committee on Social Affairs (7), parliamentarians on the Congressional Special Committee for reform of the Minors' Protection Act (7), parliamentarians on the Congressional Bicameral Committee for Women's Rights (18), the chairperson and vice-chairperson of the Congressional Standing Committee on Health in the Chamber of Deputies (2), senators on the Congressional Standing Committee on Domestic Policy and Human Rights (24), senators on the Standing Committee on Education (5), parliamentarians in the Congressional Standing Committee on Domestic Policy and the Congressional Legislative Committee (3).

117. INAM availed itself of that opportunity to express its dissatisfaction with the draft submitted on 19 October and affirm the need to work towards a complete overhaul of juveniles legislation. The proposal that was supported by the Congressional Special Committee. That request originated with INAM's participation in the Fourth Latin American Seminar on Children and Youth, held in Bolivia from 15 to 20 October, at which time the principles of comprehensive protection were even further inculcated.

118. On 25 October, Edson Seda met with the non-governmental organizations devoted to child care and protection.

119. The study meeting continued on 26 October with approximately 36 persons invited: the Director of Family and Minors of the Office of the Procurator General of the Republic and another official from the same institution, higher-level family and juvenile court judges (4), family and juvenile judges of first instance (15), juvenile correctional court judges (5), a judge in the judicial district of the State of Miranda and procurators for juveniles(9).

120. INAM's 23 section directors were invited on October 27 to wind up the First Meeting for the Study of a Reform of the Minors' Protection Act.

121. On October 30, civil society created the Joint Committee for a New Children and Youth Act, on which some 25 non-governmental organizations with a proven history of work in the areas of children, adolescents and youth were represented, in order to foster a plural, flexible and representative dimension for groups working in that area, in order to seek consensus as to what a children's law should contain. The Committee, which agreed with INAM and the National Co-ordinator of Non-governmental Child Care Organizations (CONGANI) in rejecting the COPEI proposal, launched into intensive activity and undertook the task of analysing the preliminary draft submitted by INAM, relating to which it made a number of observations based on studies and diagnoses of Venezuelan life, on the experience of each of the groups and on the essence of the new comprehensive protection paradigm. Those observations were submitted to Congress, to INAM and to various segments of national civil society.

122. The Seminar on *"Updating the Law on Children"*, organized by the Judiciary Council, was held from 30 October to 4 November. It was attended by

international experts José Atilio Alvarez and Rafael Sajón, who defended the theory of irregular situation, and maintenance of the term "minor" in the legislation and commented favourably on the Minors' Protection Act in force. In the light of that approach, INAM again advocated the need to change our legislation on children.

123. On 6 December INAM sent a copy of the first preliminary draft of the reform to all its sectional offices requesting their comments. It received replies from the following section managers: Anzoátegui, Apure, Delta Amacuro, Trujillo, Amazonas, Zulia, Federal District, Guárico, Bólivar, Mérida and Lara.

124. On 12 December INAM convened a *Public Consultation and Debate on chapter IV "concerning minors who violate the rights of others"*, which was to comprise the preliminary draft then being prepared by an interdisciplinary committee co-ordinated by that institution. Invitations were issued to some 70 individuals, including representatives of various organizations and foundations of civil society: research centres, the Venezuelan Episcopal Conference, the Congress of the Republic, the Central Coordination and Planning Office of the Office of the President of the Republic (CORDIPLAN), the judicial police, the Office of the Procurator General of the Republic, juvenile court judges and procurators, the Ministry of the Family, universities, UNICEF and members of the INAM Board of Directors. It was attended by 42 persons in all; in addition, announcements of the debate were published in the Caracas press.

3. Year 1996

125. The year 1996 witnessed the implementation of many activities aimed at publicizing the proposed amendments to the Minors' Protection Act, the principles of the theory of comprehensive protection and stimulating the public discussion of the subject. In that year INAM introduced two draft proposals for reform, the first on 6 March and the second on 23 October.

126. The initiatives implemented in 1996 combine activities by INAM, Congress, municipal authorities, non-governmental organizations and child and youth participation, in a joint attempt to organize seminars and meetings for bringing legislation on juvenile into line with the Convention on the Rights of the Child. These activities are summarized in table 11.

Table 11

Events held in connection with the Reform of the Minors' Protection Act 1996

	Event	Date	Venue	Participants
CONGRESS	Bicameral Commission on Women's Rights, Consultation on the Protection of Children and Adolescents Organization Act	22 January	Congress of the Republic	INAM, Ministry of Education, UNICEF, Central University of Venezuela, Venezuelan Social Service Commission, Venezuelan Association for Alternative Sexual Education (AVESA), Aledo Foundation, Community Learning Centres (CECODAP), Committee of Relatives of the Victims of the Events of February and March 1989 (COFAVIC), Beneficent Association of Assistance to unprotected Children (ABANSA), Committee for Public Radio-Television Service, Movement for Support to local self-management Initiatives (MAIZAL), Communication Investigation Institute
NGO	Day on "Rights of the Child and the need for a new law"	13-15 February	Mérida State	Various NGOs
	Forum on "Reform of the Minors' Protection Act and alignment with the Convention on the Rights of the Child"	27 February	Páez Municipality	UNICEF, Defence for Children-International
INAM	Presentation of the preliminary draft Protection of Children and Adolescents Organization Act	28 February	Falcón State	Governor and State representatives
	Media workshop	5 March	Caracas	Media Specialists
NGO	Forum on "Reform of the Minors' Protection Act and alignment with the Convention on the Rights of the Child"	7 March	Carabobo State	Civil Society
INAM	Workshop to discuss the draft Protection of Children and Adolescents Organization Act	13 March	Caracas, Training and Research Institute (ICI)	Chairperson of the Congressional Commission for Reform of the Minors' Protection Act, Office of the Attorney-General of the Republic, civil society, church, judiciary
INAM	Start-up of discussion of the draft reform of the Minors' Protection Act	14 March	Trujillo State	Civil society, NGOs, State representatives, INAM staff
	First workshop on the Protection of Children and Adolescents Organization Act	28 March	Barinas State	Judges, procurators for juveniles, INAM staff, civil society

	Event	Date	Venue	Participants
	Workshop on the reform of the Minors' Protection Act	10 April	Caracas, ICI	Civil society, State representatives
	Workshop to study the preliminary draft Protection of Children and Adolescents Act	11 and 12 April	Zulia State	Judges, procurators for juveniles, UNICEF, INAM staff Sponsored by the Postgraduate Section of the School of Political Sciences of the University of Zulia, Zulia State Bar Association
	Workshop for presentation of the preliminary draft	17 April	Bolívar State	Official agencies, private companies, judges, Government procurators, Security Forces
	Second workshop on the Protection of Children and Adolescents Organization Act	18 April	Barinas State	Civil society, INAM staff
NGO	Rights of the Child and reform of the Minors' Protection Act	18 April	Yaracuy State	Civil society
INAM	Days for "Analysis of the Protection of Children and Adolescents Act"	30 April	Yaracuy State	Also organizes the Yaracuy State Reform Commission. Governor
CONGRESS	Debate on the draft Protection of Children and Adolescents Act	3 May	Congress of the Republic	Parliamentarians, Peruvian child labour experts (Jorge Valencia, Father Alejandro Cussianovich)
INAM	Forum "Draft Protection of Children and Adolescents Organization Act"	7 May	Táchira State	INAM staff
	Workshop for discuss the draft Protection of Children and Adolescents Organization Act	8 and 9 May	Sucre State	INAM staff

NGO	Workshop "Reform of the Minors' Protection Act and Reproductive health rights"	13 May	Caracas, Botanical Gardens Auditorium	Population and Sustainable Development Network (REDPOB), United Nations Population Fund
	Children assemble at the gates of the National Congress to claim from parliamentarians their rights enshrined in a new law	15 May	Congress of the Republic	
LEGISLATURE INAM	Children take over Parliament, in celebration of the 185th anniversary of the Sucre Parliament	16 May	Sucre State legislature	Members of Sucre State Legislature, INAM representatives
NGO	March through Maracaibo streets	17 May	Maracaibo, Zulia State	
	Forum on draft Protection of Children and Adolescents Organization Act	17 May	Sucre State	University students, children
	First day on the Protection of Children and Adolescents Organization Act	21 May	Cojedes State	Civil society, judges, procurators for juveniles, INAM staff
	Workshop on the draft Protection of Children and Adolescents Organization Act	24 May	Nueva Esparta State	Civil society, judges, procurators for juveniles, INAM staff
	Discussion day on "the Minors'Protection Act: from irregular situation to full protection"	31 May	Aragua State	Judges, procurators, prefects, mayors, College of State Professors, INAM President, Chairperson of the Congress Commission to study the Reform
CONGRESS/NGO	National Children and Youth Parliament (children discuss their rights and the reform of the Minors'Protection Act)	21 June	Chamber of the Senate and Congress of the Republic	CECODAP
MAYOR'S OFFICE	Open forum (children discuss their rights and the reform of the Minors' Protection Act)	13 July	Municipality of Puerto Cabello, Carabobo State	Councillors, civil society
NGO	Work days "Community: a commitment for all"	12-14 July	Caracas	Civil society
MAYOR'S OFFICE/NGO	Open forum (children discuss their rights and the reform of the Minors' Protection Act)	16 July	El Hatillo Municipality, Miranda State	Participation and collaboration of : UNICEF, CECODAP, Venezuelan Chamber of toy manufacturers
	Open forum (children discuss their rights and the reform of the Minors' Protection Act)	18 July	Sucre Municipality, Miranda State	Participation and collaboration of : UNICEF, CECODAP, Venezuelan Chamber of toy manufacturers

	Open forum (children discuss their rights and the reform of the Minors' Protection Act)	20 July	Baruta Municipality, Miranda State	Participation and collaboration of : UNICEF, CECODAP, Venezuelan Chamber of toy manufacturers
MAYOR'S OFFICE MINISTRY OF EDUCATION	Open forum (children discuss their rights and the reform of the Minors' Protection Act)	20 July	Carirubana Municipality, Falcón State	Councillors, civil society
NGO	Round table on the child today: Delinquents or the managers of tomorrow ?	22 July	Caracas	Civil society
LEGISLATURES INAM	Student Parliament (children discuss their rights)	5 August	State legislature, Miranda	Parliamentarians, INAM staff
INAM	Press Conference by the President of the Congressional Commission to study the Reform (Dr Lilian Arvelo)	27 September	Caracas	
CONGRESS	Start-up of discussion of the draft reform of the Minors' Protection Act	22 October	Congress of the Republic	Parliamentarians
	Internal Policy and Human Rights Commission receives and discusses the reform of the Minors' Protection Act prepared by INAM	27 October	Congress of the Republic	Parliamentarians
INAM/ SAPAMA	Workshop on the reform of the Minors' Protection Act	8 and 9 September	Aragua State	Members of the De-centralized Aragua State Service (SAPAMA), representatives of INAM HQ
NGO	First Regional Meeting on the Rights of the Child	16 November	Carabobo State	Association for the defence of Human Rights, Caritas, Social Counselling Service, Crea Homes, Casa del Nuevo Pueblo, Tabare Group, Costumbres de mi Pueblo Group, Community in Action Foundation, Padres y Amigos de Niños Especiales Foundation, Institute of Criminal and Criminological Investigation
INAM	Meeting on "Analysis and proposals on the draft Protection of Children and Adolescents Organization Act"	6 December	Miranda State	Participation and collaboration: State Home Office, Miranda State Reform Commission
	Meeting to study the draft Protection of Children and Adolescents Organization Act	10 December	Caracas, Fine Arts Museum Auditorium	Chairperson of the Congress Commission to study the Reform (Lilian Arvelo), State representatives, civil society

4. Year 1997

127. On 6 March the Congressional Special Committee to study the reform of the Minors' Protection Act met to receive the work done by the Andrés Bello Catholic University, entitled "Final Report on the Proposal of the National Children's Institute to the Special Committee of Congress, Version 3".

128. On 31 March Ministry of Labour pronounced its view on the third version of the preliminary draft of the Organic Protection of Children and Adolescents' Act submitted by ENAM.

129. On 4 May, as part of the celebration of the Week of the Rights of the Child, a formal session was held at the Legislative Assembly of the State of Yaracuy, presided over by children from the region, who suggested that it was of vital importance to amend the Minors' Protection Act. On the same date, a large number of students marched along one of the most important avenues of San Felipe, the capital of Yaracuy state, to attract the attention of the people and authorities of the region.

130. On 14 May, the children of Zulia state made a symbolic seizure of the media, in order to announce the results of votes cast to determine which rights were the most violated.

131. On 15 May, at the Congress of the Republic, 2,000 children from 96 schools came together to deliver to the President the document entitled "Concretemos la Esperanza: por Nuestro Derecho a la Defensa" ["Make hope a reality: for our right of defence"]. The children's petitions will be studied by parliament with a view to promulgating an order governing the promotion and defence of the rights contained in the Convention on the Rights of the Child. Also on 15 May, the second discussion of reform of the Minors' Protection Act was held in Maracuy, Aragua state, under the auspices of the civil association "Aragua Primero" That meeting discussed the adjustments made to the preliminary draft Organic Protection of Children and Adolescents Act.

132. ON 16 May, children and youth marched in the streets of Maracaibo, the capital of Zulia state, to celebrate Rights of the Child Week and claim their rights. The march was organized by CONGANI, Faith and Joy institutes, the Arcbishopric, the Children's Foundation and INAM.

133. On 24 May, CONGANI organized the *workshop forum "From Words to Deeds: Child Labour, the Legal Framework and the Social Reality"*. At the workshop the Minister of Labour said that a draft law regulating child labour had been dispatched to the Congress of the Republic. Its purpose was to add additional areas of protection against exploitation and abuse, contained in the Organic Labour Law Act and the Minors' Protection Act.

134. Between 29 and 31 May, in the city of Maracay, the Council of the Judiciary and UNICEF devoted the *Second Meeting of Juvenile Court Judges and Procurators* to analyzing the proposed reform of the Minors' Protection Act drafted by INAM. This institution presented the paper entitled "Process of legislative adjustment to the Convention on the Rights of the Child".

135. In June, the Directorate of Social Development of Zulia state held a workshop to discuss Book V of the proposed Organic Protection of Children and Adolescents Act submitted by INAM.

136. On 23 July the Juridical Research Centre of the Andrés Bello Catholic University delivered to the Congressional Special Committee studying reform of the Minors' Protection Act the *preliminary draft law for child and adolescent protection*. It contained 682 articles and was prepared by the drafting team mentioned earlier, supported by an advisory group comprising 26 non-governmental organizations, five juvenile court judges, members of the School of the Judiciary and representatives of INAM. It was attended by a group of children and young people, who took the floor to announce that they would be following the entire reform process and would be vigilant in ensuring that it was conducted as efficiently as possible and genuinely benefited the country's child and youth population.

137. On 23 July a special session of the Legislative Assembly of Táchira State was held in San Cristóbal (the State capital). and was attended by approximately 20 children, who explained what they saw as the major needs from which children in Táchira currently suffered.

138. On 28 July a forum was held in Caracas to discuss the content of the preliminary draft law introduced in congress on the 23rd of the same month. The meeting was attended by Dr Maria García Morales de Guerrero and Dr Ruth Capriles, the drafters of the text in question. It was the ideal occasion for discussing the subject with the children and juveniles present.

139. During that year dissemination activities relating to the reform of the Minors' Protection Act were intensified. One example was the radio and television slots devoted to the subject. In the first eight months of 1997 INAM participated in seven television programmes and eight radio programmes in order to publicize the need to bring national legislation into line with the principles of the Convention on the Rights of the Child.

D. Other activities for implementation of the principles contained in the Convention on the Rights of the Child

140. As shown, Venezuela has deployed a sustained and joint effort to adjust its national legislation to the principles of the Convention on the Rights of the Child. So that these activities should transcend the legislative sphere a new state social structure has been designed for comprehensive protection of children and adolescents. It is based on the thesis that it is vital to retain competence for the care and control of children and adolescents living in particularly difficult circumstances - largely usurped by the State - to the family and community, on the understanding, however, that if children and adolescents, being a social asset, are to achieve their full development, it is a requisite that the governmental apparatus fulfil the guarantees needed.

141. So as to proffer a new paradigm for child and youth care, this structure is founded on the following principles: social solidarity; equitable distribution of protection services; universal protection granted by the state. Accordingly, INAM has designed a national child and youth protection system which establishes areas of action in the overall protection process and

allocates the appropriate areas of competence. It comprises implementation and technical guidance, protection of individual rights and protection of implicit interests and collective rights, and the competence of the State and those of civil society.

142. The system will comprise:

a) consultative and deliberative collegiate bodies:

i) the National Council for Child and Youth Protection;

ii) the State Council for Comprehensive Protection of Children and Adolescents;

iii) the local youth protection councils;

b) Executing agencies for comprehensive protection activities, as follows:

i) state or district institutes for comprehensive protection of children and adolescents;

ii) local units for comprehensive protection of children and adolescents;

iii) public and private organizations for comprehensive protection of children and adolescents;

c) A national guidance body or national institute for comprehensive protection of children and adolescents.

V. SITUATION OF YOUNG OFFENDERS

143. The following is a diagnosis of children and adolescents who violate laws in Venezuela, as well as actions and measures taken to remedy the situation.

A. Participation of children and adolescents in criminal acts

144. There is no direct link between the proportion of minors who commit crimes and the composition of the population by age group. The criminal laws are violated more by adults than by children and adolescents, who together make up the latter accounting for 49% of the population but commit only 15% and 19% of all crimes committed.

145. This unequivocally belies the thesis held for many years whereby most offences in the country are committed by minors. However, the increase in the participation of children and youth in criminal offences in recent years gives cause for alarm. Independently of the crisis facing the country which could account for the phenomenon, this increase in the participation of youth and children in crimes can also be explained by:

a) Greater activity on the part of the police in detaining children and adolescents who break the criminal laws, translating into:

i) less impunity, if the participation indicated is effectively proved;

ii) more repression and stigmatization, in the event of insufficient evidence of the minor's participation;

b) A genuine increase in participation of minors in the Act under discussion.

Infringement of the criminal laws by children and adolescents in Venezuela (last five-year period)

146. The statistics of the judicial technical police (PTJ) record a total of 507,043 detentions during the period between 1 January 1992 and 30 June 1996. Of that total 16.3% (82,669) were children and adolescents (see table 1).

147. The percentage comparison between detentions of adults and that of children and adolescents shows that between 1992 and 1995 the percentage of adults detained fell from 85.9% in 1992 to 80.9% in 1995, while the percentage of children and adolescents detained rose from 14.1% in 1992 to 19.0% in 1995. It should also be pointed out that the figures for the first half of 1996 show 15.4% of children and adolescents detained, as opposed to 84.6% of adults (see diagram 12).

148. The largest proportion of violations of the criminal law by minors occur among adolescents age 12 or over, with less than 1% of the total committed by children between ages 9 and 12 (see table 2).

149. The judicial technical police statistics reveal that the crimes most frequently committed by children and adolescents are theft, robbery and personal injury. While homicides remain the fifth cause, it must be said that during the first six months of 1996 a total of 500 minors (4.9%) were detained for that offence (see table 3).

B. Main reasons for incorporation of child and adolescent law breakers in the Treatment Programme of the National Children's Institute

150. The INAM statistics also show that petty theft is the prime reason for committal of to the institute's centres. Robbery and personal injury were the second or third reasons, alternatively, between 1992 and 1994. In 1995 there was a change in the causes, with homicides occupying third place for committal to those institutions. This does not mean that robbery and personal injuries were being committed less frequently by children and adolescents, but rather that more individuals in that more individuals in that population were being interned in INAM centres, with perpetrators of less serious offences being directed to other programmes (care in open establishments) (see table 4).

151. A study of the reasons for the committal of the child and youth population to INAM treatment centres on 21 October 1996 showed homicide to be the second

cause of committal (15.6%), with 288 males and eight females interned in those centres for that crime (see diagram 13).

152. Another important point is the low proportion of female adolescents committing criminal offences (see diagram 14).

153. According to PTJ figures, the federal entities with the highest figures for detentions during the years 1993-1995 are the Federal District, Miranda, Carabobo, Zulia, Aragua and Táchira (see map 1).

C. Brief description of the programmes offered by INAM for the care of children in conflict with the law

154. This is a service offering immediate and provisional care for adolescents detained as alleged offenders, in order to:

- Avoid their being detained in adult prisons;
- rapidly evaluate and classify the adolescent's social and behavioural situation;
- to guide the pertinent authorities towards more just decisions and to refer the adolescents to the type of care most suited to their situations.

Diagnosis and Treatment Centres (CDTs)

155. These are closed establishments whose purpose is to diagnose and treat the juvenile offender. There are two types:

Type "A": For juveniles in conflict with the law who commit serious first offences, or who commit less serious offences for a second time, and whose previous conduct is not indicative of a severe personality disorder.

Type "B": For juveniles in conflict with the law who display serious personality disorders or who are recidivists, committing crimes of increasing gravity.

Although since the launching of the Vegas Plan in 1938 centres of this kind have been considered necessary, none exist in the country at present.

External consultation services.

156. This is an outpatient service which evaluates, guides and treats juveniles who breach the law occasionally or have committed an offence for the first time without displaying any serious disturbances in their private conduct and who have solid family support.

Probation service

157. This service is provided within the community for juveniles in conflict with the law. There are two groups:

- individuals with slight behavioural problems who enjoy support in the family environment;

- individuals released from diagnosis and treatment centres.

Juvenile Assistance Service

158. This is an itinerant preventive service for supervising and controlling situations that place the physical, moral and institutional integrity of children and juveniles at risk.

159. For implementation of the treatment programme, INAM has 55 national establishments broken down as follows: nine for provisional detention and 46 for diagnosis and treatment (see map 2 and diagrams 15 to 17).

D. New activities undertaken by INAM to care for child and juvenile offenders

160. In mid 1994, INAM designed and launched execution of new activities to provide the care for child and juvenile offenders envisaged under the Beijing Rules and to comply with the principle of comprehensive child and juvenile protection:

a) Definition of policies in the area of care for child and juvenile offenders:

i) to care for juvenile offenders where possible in their own locality or region;

ii) to care for juvenile offenders in a closed environment (detention) only when necessary;

iii) to distribute equitably throughout the various regions of the country the juvenile offenders' care services, establishing an institutional network that caters to problems in accordance with the needs detected;

iv) to promote interagency co-ordination that would ensure the social integration of juveniles leaving institutions;

v) to ensure due respect for the rights of the child and the laws that protect it in the services established for juvenile offenders;

vi) to guarantee the efficiency and effectiveness of services providing care for young offenders through a system of ongoing evaluation;

vii) to promote reform of the law designed to guarantee the observance of the rights of children and juveniles, and of the community, when minors violate criminal laws;

b) Reformulation of two of the sub programmes in the range of treatment provided by the Institute in order to increase re-education opportunities and overcome the excessive emphasis placed on diagnosis. The new programming defined diagnosis as the initial phase of the treatment, and all the existing institutions are required, once this phase is complete, to provide continuous therapeutic care, making better us of the professional human resources existing in the region and avoiding the transfer of juveniles to other regions for treatment, thus also facilitating counselling of the family group. The Initial Evaluation Programme was designed and set in motion with the aim of preventing children and adolescents from being placed in adult places of detention or places that pose a risk for their physical integrity, and to decide or recommend, within no more than 15 days, placement in the programme suited to the situation facing the child or juvenile concerned, in accordance with the classification obtained through a survey prepared for that purpose;

c) Expansion of the coverage of care for children in juveniles in conflict with the law.. The PTJ figures show that 20,256 minors were detained in 1995 for alleged offences and from January to July 1996 the figure totalled 10,162. In 1994 the available capacity for care of that population group in INAM treatment centres throughout the country was 1,618 for minors of both sexes. In 1996 there were 1,853 places, an increase of 235. It is to be hoped that by the end of 1997 there will be a total of 2,153 places, which means a new increase of 300, distributed among the states of Sucre, Zulia, Delta Amacuro, Amazonas, Guárico and the Federal District.

d) Promotion of a standard structure for centres for the care of minors in conflict with the law with serious behavioural problems. INAM currently has a budget of 63 million bolívares (approximately 128 thousand dollars) needed for preparing the project, and its execution has begun.

e) Personnel policy in the treatment programme as crucial for guaranteeing the quality of care provided in this area. INAM has devised and is partially executing a personnel policy which covers:

i) Recruitment and training of personnel for operational tasks in these centres;

ii) Ongoing training of personnel working at the moment;

iii) Increase in remuneration for posts of centre guides;

iv) Implementation of a social security programme;

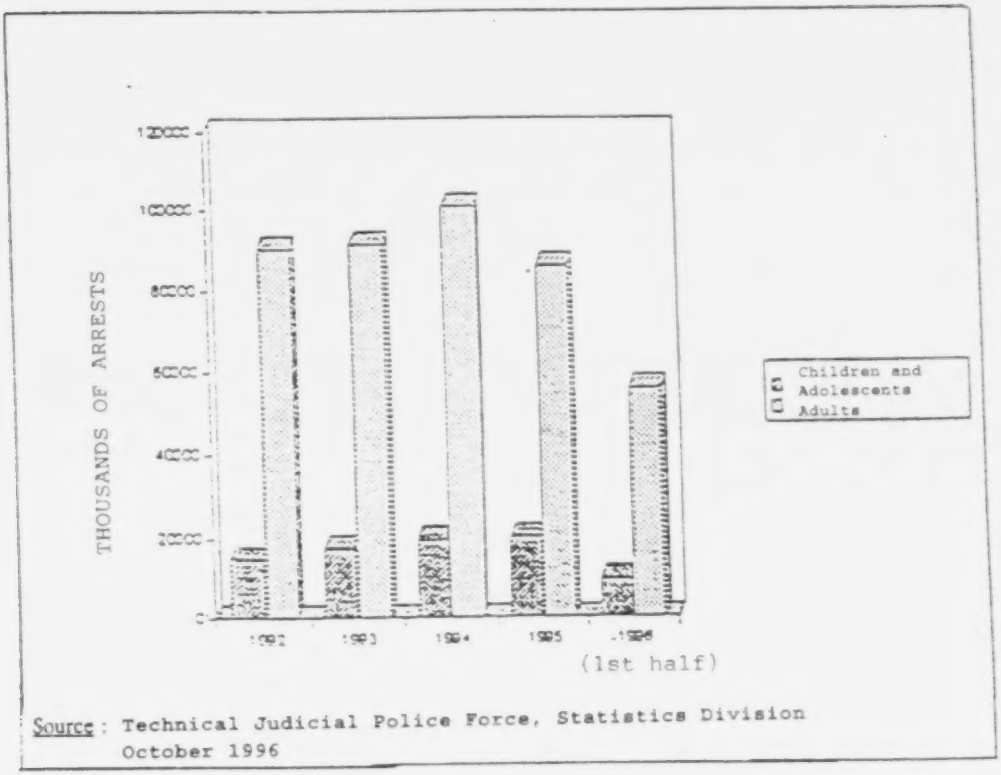
v) Establishment of a staff-rotation schedule

f) Training activities for juveniles in Diagnosis and Treatment Centres under the Juvenile Recovery and Directed Recreation Plan. These training programmes have been conducted in 16 federal entities, with 2,911 child and juvenile beneficiaries, including 21 scholarship holders. The budget used for these programmes is 66,063,628 bolívares (approximately $ 134,000 dollars), representing 27 per cent of the total allocated to INAM's training projects.

Diagram 1

National Children's Institute

Arrests of adults, children and adolescents made by the technical judicial police in 1992 to 1995 and the first half of 1996



Source: Technical Judicial Police Force, Statistics Division
October 1996

Table 12

Arrests of adults, children and adolescents made by the Technical Judicial Police (CTPJ), 1992 to 1995 and the first half of 1996

Total			Children and adolescents		Adults	
YEARS	No.	%	No.	%	No.	%
TOTAL	507 043	100	82 669	16.3	424 374	83.7
1992	105 199	100	14 850	14.1	90 349	85.9
1993	108 635	100	17 392	16.0	91 243	84.0
1994	120 934	100	20 009	16.5	100 925	83.5
1995	106 152	100	20 256	19.0	85 896	80.9
1996 (*)	66 123	100	10 162	15.4	55 961	84.6

Note : (*) Statistics for first half of 1996.
National Children's Institute.

Source : Statistics Division, Technical Judicial Police.

Table 13

National summary of reasons for entry for treatment of minors present on one day in October 1996

SITUATIONS	CARE AREA	SEX		TOTAL
		FEMALE	MALE	
OFFENDERS	THEFTS	33	466	499
	HOMICIDES	8	288	296
	ROBBERIES	1	148	149
	PERSONAL INJURIES	5	69	74
	RAPE	1	71	72
	HOLD-UPS	0	66	66
	STREET FIGHTS	3	42	45
	CARRYING A WEAPON	0	35	35
	DRUG POSSESSION	1	30	31
	DAMAGE TO PROPERTY	4	20	24
	IMMORALITY	11	9	20
	UNDOCUMENTED	7	4	11
	DISPUTES	7	4	11
	SNATCHING	0	8	8
	DRUG TRAFFICKING	1	5	6
	ASSAULT	2	1	3
	OTHER*	1	3	4
	SUB-TOTAL	85	1 269	1 354
DANGER	STRAYING	24	93	117
	RUNAWAYS	90	20	110
	DRUG ABUSE	14	51	65
	TRESPASSING	18	45	63
	VAGRANCY	1	28	29
	FAMILY MALADJUSTMENT	18	4	22
	PROSTITUTION	16	0	16
	FAMILY NEGLECT	0	14	14
	ALCOHOL CONSUMPTION	2	8	10
	MORAL PERIL	9	0	9
	BEHAVIOURAL DISORDERS	6	1	7
	OTHER**	1	5	6
	SUB-TOTAL	199	269	468
ABANDONMENT	FAMILY NEGLECT	4	18	22
	PHYSICAL ABUSE	18	2	20
	ABANDONMENT	1	9	10
	SEXUAL ABUSE OR EXPLOITATION	4	0	4
	ESCAPE FROM INSTITUTION	1	2	3
	OTHER***	7	2	9
	SUB-TOTAL	35	33	68
	TOTAL	319	1 571	1 890

Source : National children's institute.

* Investigation for homicide, cattle stealing, attempted homicide.

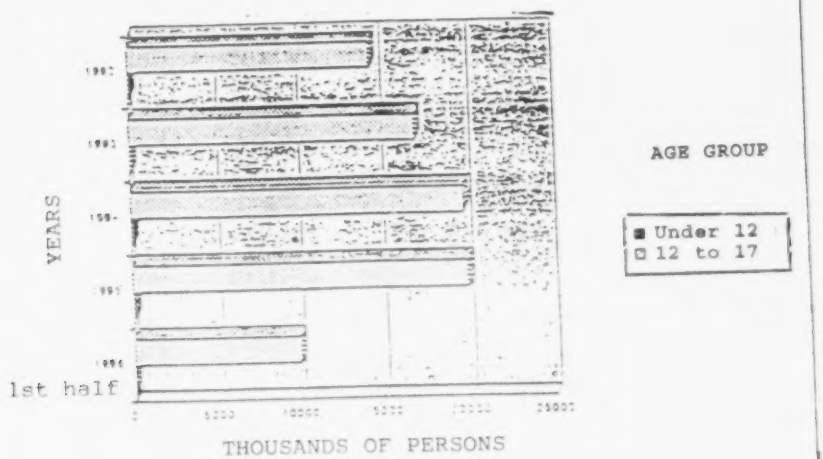
** Seduction, investigation, falsification of documents, kidnapping.

*** Disrespect of authority, traffic accidents with injuries, escapes from an institution.

Diagram 2

National Children's Institute

Young offenders detained, by age group
Years 1992 to 1995 and first half of 1996

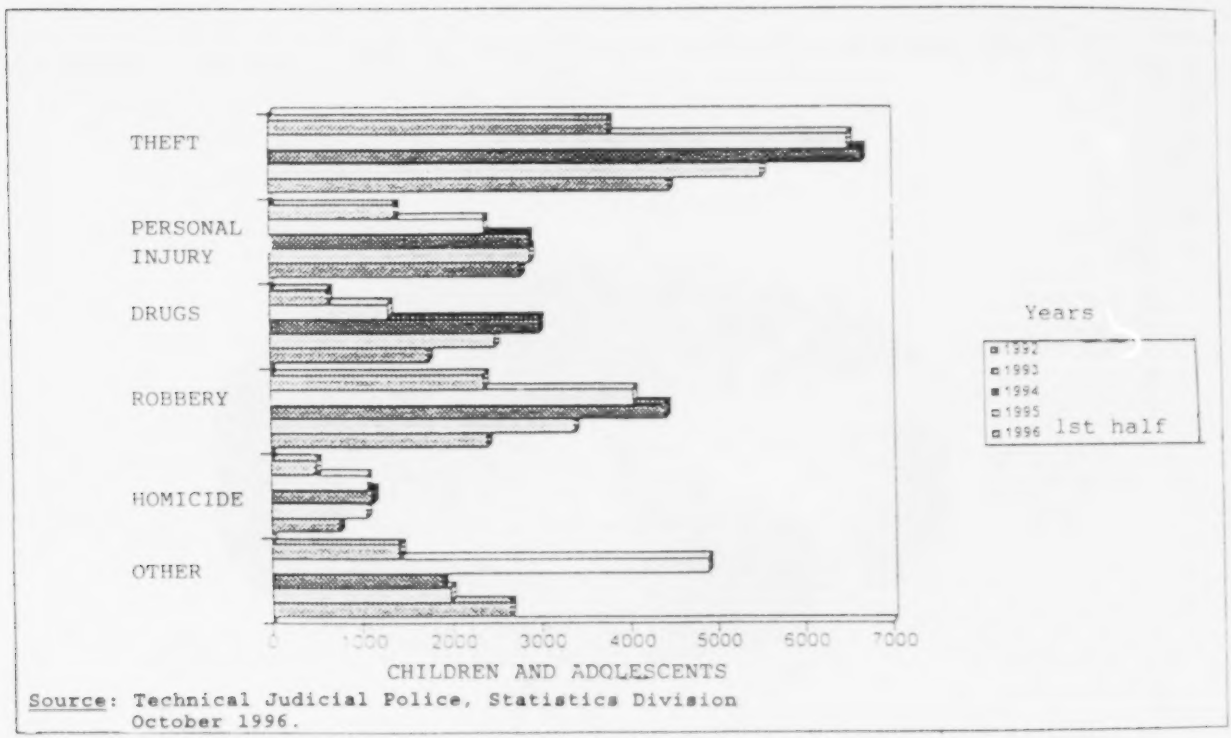


Source : Technical Judicial Police, Statistics Division
October 1996.

Diagram 3

National Children's Institute

Main causes of arrests of young offenders
Years 1992 to 1995 and 1st half of 1996

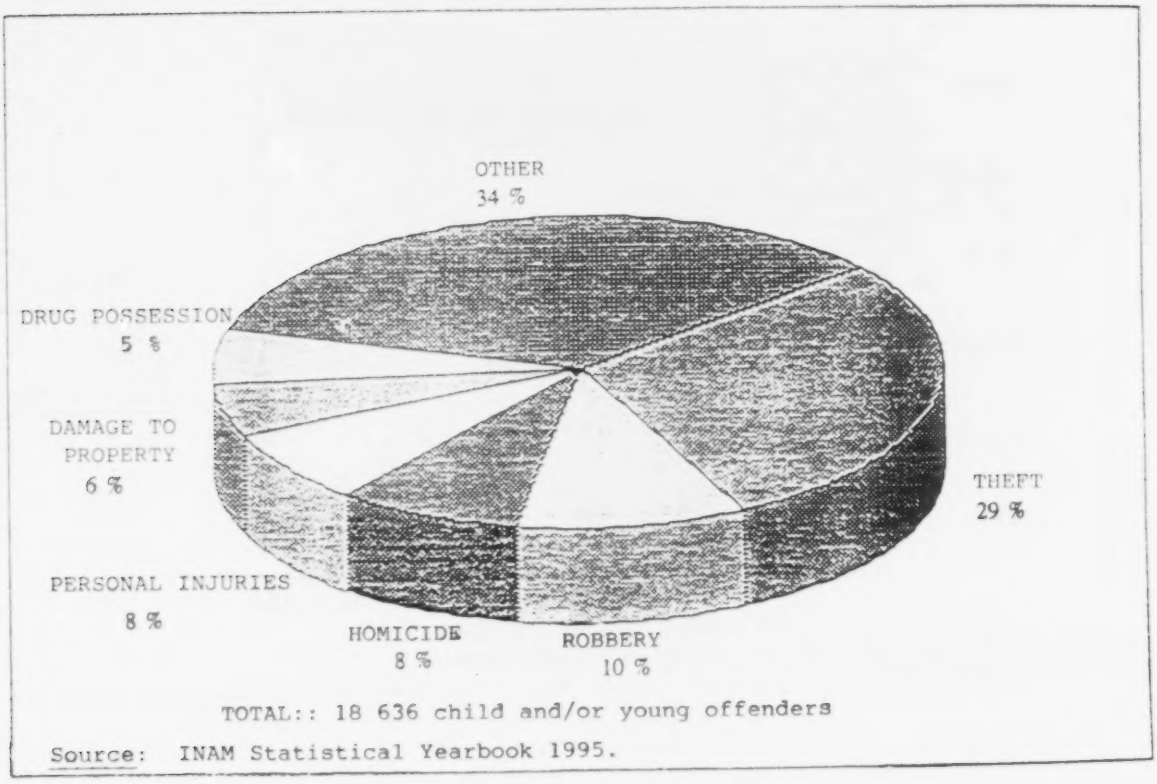


Source: Technical Judicial Police, Statistics Division
October 1996.

Diagram 4

National Children's Institute

Programme 04: Care of children in need of treatment
Young offenders cared for by reason for entry, year 1995



TOTAL:: 18 636 child and/or young offenders

Source: INAM Statistical Yearbook 1995.

Table 14

Arrest of young offenders by sex
Years 1992 to 1995 and 1st half of 1996

Years	Total		Males		Females	
	No.	%	No.	%	No.	%
1992	14 850	100	13 886	93.5	964	6.5
1993	17 392	100	16 142	92.8	1 250	7.2
1994	20 009	100	18 661	93.3	1 348	6.7
1995	20 256	100	18 982	93.7	1 274	6.3
1996(*)	10 162	100	9 574	94.2	588	5.8

Note : (*) Figures for 1st half of 1996.
National Children's Institute.

Source : Statistics Division, Technical Judicial Police.

Map 1

PERCENTAGE OF CHILDREN AND ADOLESCENTS DETAINED BY CTPJ
BY FEDERAL UNIT
VENEZUELA - 1995

INAM
Source: Division of Statistics CTPJ
October 1996.

Map 2

GEOGRAPHICAL LOCATION OF THE TREATMENT PROGRAMME ESTABLISHMENTS

Source : INAM - 1996

Table 15

Methods of assistance to adolescents by federal entity, year 1995

Federal entity	Total	Initial evaluation centre (CEI)	Diagnosis and treatment centre (CDT)	Outpatient consultation	Monitored freedom service	Juvenile assistance service
COUNTRY TOTAL	66 114	4 268	19 414	3 456	5 003	33 973
Distrito Federal y área metropolitana	4 369	211	882	1 736	607	933
Amazonas	515	-	136	-	42	337
Anzoátegui	1 418	-	410	349	205	454
Apure	1 925	-	461	-	10	1 454
Aragua a/	5 878	1 706	604	231	105	3 232
Barinas	3 650	-	1 724	-	40	1 886
Bolívar	6 963	-	3 108	-	47	3 808
Carabobo a/	1 812	-	718	-	348	746
Cojedes	1 635	-	876	-	242	517
Delta Amacuro	7 477	-	-	-	80	7 397
Falcón	1 118	-	550	-	66	502
Guárico	969	-	400	-	205	364
Lara a/	2 898	-	921	90	130	1 757
Mérida	3 618	1 718	154	44	250	1 452
Miranda	2 314	633	629	196	330	526
Monagas a/	1 891	-	336	474	-	1 081
Nueva Esparta	853	-	338	-	-	515
Portuguesa	4 685	-	2 543	155	137	1 850
Sucre	1 803	-	69	-	-	1 734
Táchira	2 027	-	765	-	311	951
Trujillo	2 640	-	1 119	95	142	1 284
Yaracuy	1 428	-	1 212	6	96	114
Zulia	4 228	-	1 459	80	1 610	1 079

a/ Decentralized child care Services

Table 16

Treatment programme centres budgeted quotas and minors in attendance (females) 14 to 17 at 21.10.96

Sectional	Type of centre	Name of centre	Sex (F)	Quota	Children attending	Observations
Federal District	C.E.I.	Gustavo H. Machado	X	60	51	This centre cares for girls up to 18
	C.D.T.	José Gregorio Hernandez	X	50		Reopening 1997
Metrop. area	C.E.I.	José Gregorio Hernandez	X	16		Opening 1997
Anzoátegui	C.D.T.	Barcelona I	X	30	21	
Apure	C.D.T.	San Fernando II	X	30	10	
Aragua	C.D.T.	La Esperanza	X	30	20	Decentralized (SAPAMA)
Barinas	C.D.T.	Barinas II	X	20	15	
Bolívar	C.D.T.	Ciudad Bolívar II	X	18	16	
Carabobo	C.D.T.	Alberto Ravell	X	30	30	Decentralized (FUNDAMENORES)
Cojedes	C.D.T.	San Carlos	X	18	12	
Lara	C.D.T.	Barquisimeto I	X	30	21	Decentralized (SEAM)
Mérida	C.D.T.	Mérida II	X	35	32	
Miranda	C.D.T.	Rafael Vegas	X	35	35	
Monagas	C.D.T.	Menca de Leoni	X	30	30	Decentralized (SEAM)
Nueva Esparta	C.D.T.	Pbro. Pedro Silvano M.	X	40	20	
Portuguesa	C.D.T.	Acarigua II	X	30	14	
Táchira	C.D.T.	Wilpia Flores de Centeno	X	30	20	
Trujillo	C.D.T.	Albertina de Luchessi	X	20	20	
Zulia	C.D.T.	La Guajira	X	60	52	
TOTAL	19			546	424	

Source : National Children's Institute.

Table 17

Treatment programme centres budgeted quotas and minors in attendance (males) 14 to 17 at 21.10.96

Sectional	Type of centre	Name of centre	Sex (M)	No. of places	Children attending	Observations
Federal district	C.D.T.	Carolina Uslar I	X	63	40	
	C.D.T.	Carolina Uslar II (*)	X	87		(*) Carolina II places not used because of infra-structure repairs
	C.D.T.	Carolina Uslar III	X	66	38	
Metrop area	C.D.T.	Ciudad de Caracas	X	64	48	Open 1995. C.E.I. shares under repair and using C.D.T.
	C.E.I.	Ciudad de Caracas	X	20	13	Creation 1997
	C.E.I.	El Valle	X	64	59	Created 1995
	C.E.I.	Coche	X	76		Creation 1997
	C.E.I.	Maiquetia	X	40		Remodelling halted due to obstruction by Maiquetia Command C.
Amazonas	C.D.T.	Amazonas	X	28	30	
Anzoátegui	C.D.T.	Barcelona II	X	38	21	
	C.D.T.	Professeur Antonio José Diaz	X	38	21	
	C.E.I.	Annexe du poste de police de Lecheria	X	15	26	Creation 1996
Apure	C.D.T.	San Fernando I	X	30	15	
Aragua	C.D.T.	San Carlos	X	40	35	Decentralized (SAPAMA)
	C.D.T.	San Carlos	X	40	38	Decentralized (SAPAMA)
	C.E.I.	La Morita	X	70	20	Reopening in 1996 (SAPAMA)
Barinas	C.D.T.	Barinas I	X	30	20	
Bolívar	C.D.T.	Ciudad Bolívar I	X	30	26	
	C.D.T.	Monseñor Juan J. Bernal	X	50	91	
Carabobo	C.D.T.	Pastor Oropeza Castillo (Naguanagua)	X	90	70	Reopened March 1995 - Decentralized in July 1995
	C.E.I.		X	40		Creation 1997 - Decentralized in July 1995
Cojedes	C.D.T.	Fray Pedro de Berja	X	25	13	Under repair
Delta Amacuro	C.D.T.	Tucupita	X	30	10	Remodelling to build C.D.T.
Falcón	C.D.T.	Coro	X	48	15	
Guárico	C.D.T.	Damián Ramirez Labrador	X	60	25	
Lara	C.D.T.	Manzano I	X	90	34	Decentralized (SEAM)
	C.E.I.	Manzano	X	40		Decentralized (SEAM)
Mérida	C.D.T.	Mérida I	X	40	38	
	C.E.I.	Mérida	X	35	36	
Miranda	C.E.I.	El Carrizal	X	35	35	
	C.D.T.	Francisco de Miranda I	X	45	45	

Sectional	Type of centre	Name of centre	Sex (M)	No. of places	Children attending	Observations
	C.D.T.	Francisco de Miranda II	X	40	40	
	C.E.I.	Don Bosco	X	64		Creation and opening 1997
Monagas	C.D.T.	Jesús M. Rengel	X	30	30	Decentralized (SEAM)
	C.E.I.	José Francisco Bermúdez	X	10	30	Decentralized (SEAM)
Nueva Esparta	C.D.T.	Los Cocos	X	50	50	Undergoing repairs
Portuguesa	C.D.T.	Acarigua I	X	50	20	
	C.D.T.	Guanare	X	30	25	
Sucre	C.D.T.	Carupano	X	50	30	
	C.E.I.	Antonio José de Sucre	X	30		Opening in 1997
Táchira	C.D.T.	San Cristóbal	X	50	50	
Trujillo	C.D.T.	Carmania	X	50	50	
Yaracuy	C.D.T.	Bachiller Manuel Alvarez	X	60	32	
Zulia	C.E.I.	Sabaneta	X	90	204	
	C.D.T.	La Cañada I	X	30	30	
	C.D.T.	La Cañada II	X	60		Reopening in 1997
TOTAL	46			1 709	1 466	

VI. SITUATION OF CHILD WORKERS

161. The data presented below were gathered through the national survey on the situation of child and juvenile workers in Venezuela (second half of 1996) conducted by INAM to fill our country's information vacuum on this aspect of our social reality.

162. Children and adolescents engaged in income-generating activities have been classified as follows:

a) Vendors inside premises: A child or adolescent vendor is one engaged in selling inside a commercial establishment; for example, a salesperson in a shop, in a bar, a butcher's, pharmacy, dispatchers;

b) Vendors in fixed establishments located in the streets: children or adolescents selling in the street, but at a fixed location, for example: vendors of refreshments, ice creams, food, etc.;

c) Pedlars: They devote themselves to the sale of a variety of products in the street, for example, flowers, food, popcorn, etc.;

d) Street criers, magazine and/or newspaper vendors: They may move about or work in fixed places located in the streets;

e) Collectors: They help urban transport bus and/or minibus drivers collect fares;

f) A variety of independent jobs: These are paid directly by the client for a service: car washers, porters, shoe cleaners, packers, carters;

g) Aides: These are occupied in the formal sector of the economy as aides to professionals in different areas, such as dental assistant, pre-school aide, physical education aide;

h) Manual workers: This category includes those who are paid for a service which they are ordered to perform by another person who lays down the terms (place, timetable, amount of work to be done) such as bricklaying, mechanics, welding, blacksmithing, shoemaking, gas station attendants, etc.

163. The manual-worker category includes minors working in the formal sector, who must be authorized by INAM:

a) Domestic service: Those engaged in domestic work in family or non-family homes. This category includes caring for children, washing clothes, ironing, cooking, etc.;

b) Agricultural worker: This includes those performing jobs peculiar to the agricultural and stock-rearing sector, carrying out tasks such as milking cows, sowing, day labour;

c) Office workers: These are engaged in activities within an office and include receptionists, secretaries, transcribers, operators, etc.;

d) Artisans: Persons devoted to the production of articles made essentially by hand, which are generally for sale;

e) Messengers: These work as messengers, either in offices or outside;

f) Fishermen: This category includes children and young people who are directly involved in fishing. This category does not include fishmongers.

164. The category of marginal income-generating activities comprises children and adolescents engaged in activities that take place on the margins of the legally and socially permissible and which do not form part of the informal sector of the economy. They include begging, commercial sexual exploitation, drug selling, robbery, garbage collection. While these activities are not considered to be work, because they constitute forms of income it is necessary to define the population engaged in them, given the objectives of this study.

A. Basic data on the situation of child and juvenile workers

165. The average age of the child and juvenile workers polled was 14, the youngest being six years of age. Although the Minors' Protection Act and the Organic Labour Act establish 14 as the minimum age of work, and 12 in exceptional cases, a significant percentage of the sample (24.1%) was under 12 years of age. Twenty-five of the children polled claimed to be aged six or seven.

166. Distribution by sex suggests that fewer young females are engaged in income-generating activities, since 82.4% of those polled were male.

167. The sample showed that 96.5% (6,450) of those polled claimed to be Venezuelan. Of the 112 children and adolescent workers who claimed to be of foreign nationality, 75% were in the 13-17 age group.

168. Of the Venezuelans polled (6,450), 110 said that they had no identification papers.

169. Of the national sample (6,655), 52.8% said that they were not in school at the time of the survey.

170. In the national sample, 55.1% (3,669) of those interviewed said they had completed primary education (sixth grade), of which 373 responded that they had completed basic education (ninth grade) and 202 the diversified cycle (11th grade). On the other hand, 34.6% (2,302) said that they had not completed primary education.

171. The study came up with a total of 343 cases of child and juvenile workers who had never attended school and could not read or write.

172. Analysis of the findings on consumption of alcohol, cigarettes and other substances shows that 13.1% of those polled consumed alcohol; 13.4% smoked cigarettes; and 0.9% used illegal psychoactive substances.

173. The breakdown of the national sample by type of income-generating activity engaged in by the interviewees during the period under study shows that

6,172 children and adolescents were actual workers, while 483 fell into the category of "marginal income-generating activity".

174. Breakdown of the sample by economic sector showed that 73.3% were employed in the informal sector of the economy. It must be pointed out that this analysis did not include marginal income-generating activities.

175. Of those polled, 58.2% (3,596) were engaged in sales-related activities. Of those, 3,138 children and adolescents were plying their trade in the streets.

176. Independent workers form another category and include packers, shoe cleaners, car washers and carters, representing 26.3% (1,629) of the national sample.

177. The findings show that the average daily income of the children and adolescents interviewed was 1,167.41 bolívares (approximately two dollars).

178. Marginal income-generating activities involved 483 children and adolescents. In that group, 46% collected garbage. Also, 144 of those polled devoted themselves to games of chance as a means of earning money, 9.7% of them girls. The disaggregation by sex of the sample reveals a tendency for greater participation by girls, since 9.7% of girls polled were engaged in such activities, while the boys accounted for 6.7%. It was also discovered that a ten year old boy claimed to carry out thefts and robberies.

179. Of the 6,655 persons polled, 63.4% worked six or seven days a week, while 36% of the sample worked between one and five days.

180. Of the 6,655 young people polled, 5,799 (81.7%) responded that they had been engaged in income-generating activities for two years or less, 60% (3,484) of whom had been working for less than one year at the time of the survey.

B. Labour protection policies for child and juvenile workers

181. For the purpose of adopting policies to remedy the situation described above, on 13 August 1997 the National Executive created the National Commission for the Eradication of Child Labour and Protection of Child Workers, through Decree No.1995 (published in Official Gazette No. 36,282). This interagency commission will be responsible for:

Elaborating plans and proposals for devising the national programme covering the activities and fields of action of the International Programme for the Eradication of Child Labour (IPEC) in Venezuela;

Taking account of other plans and projects developed to eliminate the problem in the context of a national policy to combat child labour, in the framework of the memorandum of understanding between Venezuela and the International Labour Organization;

Encouraging and strengthening co-ordination among the national and international public and private institutions in an effort to combat this problem;

All tasks which, by the nature of the activity involved, fall to the National Executive.

182. Other measures established as necessary for attacking the problems affecting child and juvenile workers are:

Eradication of work by minors under 12 and of labour exploitation among the 12-18 year-old age group;

Institutional strengthening for supervision and control of children's working conditions;

Expansion of the coverage of programmes for comprehensive protection of child and juvenile workers;

Inclusion of civil society in the prevention and evaluation of the working conditions of children and adolescents.

VII. MEASURES IMPLEMENTED AGAINST SEXUAL EXPLOITATION AND SEXUAL ABUSE OF CHILDREN AND ADOLESCENTS

A. Legal aspect

183. There is growing concern in Venezuela with regard to the sexual exploitation of children and adolescents, as attested to by the country's endeavours to bring about the appropriate legislative changes. In connection with this proposal a series of articles have been presented to be taken into account in the reform of the Venezuelan Penal Code currently being debated by Parliament (see Annex). The purpose of the proposed articles is to ensure that commercial sexual exploitation of children is classified as a crime and is severely punished.

184. Venezuela's existing laws governing this subject are set out in the Venezuelan Penal Code and the Minors' Protection Act. Their enforcement has included interventions that have led to the closure of premises, police arrests and dismantling of networks, as well as declamations by the legislative assemblies and the National Congress.

B. Activities by the National Children's Institute

185. The National Children's Institute has, for its part, been dealing with complaints and specific cases of child sexual abuse, commercial sexual exploitation of children and adolescents and detection or control of the production or distribution of pornographic material intended for children, through its traditional protection programmes, which are the Community Care Centres and the Juvenile Assistance Service. In this way, the States of Cójedes, Guárico, Federal District, Mónagas, Táchira, Anzoátegui, Apure and Barinas have established administrative intervention processes based on the provisions contained in the Minors' Protection Act in force, for inspection - or sanction where appropriate - of hotels and nightclubs which have been the subject of reports of the presence of minors who have been subject to abuse or commercial sexual exploitation. When known situations warrant the immediate care and

protection of children or adolescents affected, INAM or the juvenile courts order the victims to be placed in INAM institutional network centres, where attempts are made to reintegrate them into the family and society.

186. However, evaluation of these experiences has confirmed that their coverage is inadequate for the requirements of this type of preventive protection and that they have little social impact. Basically, it showed that these actions result in greater stigmatization and social marginalization of the minors involved and also has the perverse effect of limiting protection options to the exclusive intervention of a single State institution responsible for the protection of "minors in an irregular situation".

187. On the basis of this evaluation, INAM is promoting a social management and community participation strategy intended to establish Local Social Protection Networks for children and adolescents who are at high social risk. These networks are being built up as local institutions, community associations, private businesses concerned with the problem and local authorities join in, each of them, within their sphere of activity or according to their resources and capacities, contributing to a co-ordinated Local Plan for prevention of, and timely attention to, these situations (see paragraph of the report devoted to Local Child and Adolescent Comprehensive Protection Networks).

188. In strategic terms, these networks have been promoted in areas considered to be most vulnerable to the risk of child and juvenile exploitation. For instance, in Puerto La Cruz (Municipality of Sotillo), the experiment was launched in 1995 and a work plan established which covers education, care, labour protection and individual and family guidance for the Network's target population. One of this strategy's achievements in this area is the creation by the Legislative Assembly of the State of Anzóategui of a special commission to investigate child prostitution throughout the federal area. This experience has also resulted in the creation of a temporary residence for immediate protection of children at risk, which functions as an emergency centre and a centre for immediate attention to complaints lodged by the community. In order to make this experiment work, officials of the various State institutions, volunteers from local civil associations, representatives of the municipal authorities and the State administration and representatives of the media and local private businesses have been brought into the act.

Children and adolescents who are victims of sexual abuse

189. In the first eight months of 1997, 71 cases of children and adolescents who had been victims of sexual abuse (rape, seduction, lewd acts) were dealt with, all associated with grave situations of domestic ill-treatment, early pregnancy, dropping out of school, and abandonment by the family. Most of them came from families comprising a mother, stepfather and siblings. Some of the mothers (of Colombian nationality) were in the country illegally and denied the child's report of abuse claiming the innocence of the aggressor (stepfather). INAM's social workers have established that these are family groups subjected to extreme impoverishment, with no standards for co-existence, with a very low sociocultural level, living in overcrowded conditions and subject to labour exploitation, obliging children to beg.

190. In 11 of the 71 cases, the aggressor was not related to the minor and in four cases the aggressor was the biological father.

191. Analysis shows that the children and adolescents under consideration were between three and 17 years of age, seven of them male; 29 were not attending school; two were illiterate; two were disabled; three of the girls were pregnant and one was a mother; one of the girls was the victim of a police officer.

Adolescents who are victims of commercial sexual exploitation

192. No information on this type of exploitation is available in Venezuela, nor is there any rigorous research that could provide an approximation of its qualitative and quantitative dimensions. However, since 1996 INAM has been conducting a nation-wide study on the labour situation of children and adolescents in Venezuela, with the following objectives:

To arrive at a quantitative and qualitative estimate of the children and adolescents engaged in income-generating activities on the streets;

To take prompt action in situations of risk or danger detected;

To devise preventive activities suited to each situation, through the following INAM programmes: Community Assistance Centres; working children's homes and the Juvenile Assistance Service.

193. During 1996, a total of 11,478 children and adolescents were interviewed, of whom 6% (687) were engaged in activities connected with extreme poverty, were victims of commercial sexual exploitation or had been induced to engage in criminal acts. Of these 687 young people, 43 said that they obtained income by engaging in activities connected with sexual commerce. Information concerning the first half of 1997 has so far been processed for seven federal entities, revealing 28 cases linked to this activity.

194. A descriptive analysis of the 71 cases resulting from the interviews conducted for this survey during 1996 and the first half of 1997 showed that:

The current age at which commercial sexual exploitation of children and adolescents begins is 12 years;

The youngest starting age recorded was seven and was a young girl who said she had been engaged in her income-generating activity for ten years and was now 17;

Of the 71 cases recorded, 58 were not attending school;

Of the 71 cases recorded, 70 said that they consumed alcohol, cigarettes and/or illegal psychoactive substances; 14 of them consumed all three types of substance;

Of those cases, 56.3% (40) said that they worked six or seven days a week, while 62% (44) did so during the night;

The number of adolescents working on the streets was 23, while 26 did so in bars, saloons and establishments of that kind (see diagram 18).

195. While it should be reiterated that the figures provided were not the outcome of any specific work on child prostitution, they do indicate the scope of the problem. Another source of information for INAM is the numbers treated through its institutional network. In the 1985-1996 period, 1,170 minors were taken in by INAM allegedly for "prostitution". Their numbers began to rise sharply in 1993, and continued to do so until late 1996. This information is difficult to interpret since INAM has also increased its coverage and has placed greater emphasis on attacking the problem, so that it is impossible to know whether the problem has increased or whether greater attention is being paid to it.

196. The above notwithstanding, commercial sexual exploitation of children and adolescents has not received the treatment it requires in our country. However, it is indicative of the growing concern of the Venezuelan State, which has endeavoured to reformulate appropriate policies and plans, essentially since the holding of the World Congress against Commercial Sexual Exploitation of Children (Stockholm, 1996).

197. The task is an extremely difficult one, given the diversity of factors involved in adequately addressing the problem. The population's ignorance of the legal aspects of sexual abuse and the existence of entrenched cultural patterns that promote their tacit acceptance - despite claims of abhorring it in the abstract - profoundly disturbs the process of intervention and the capacity to provide adequate responses.

198. There are other situations of commercial sexual exploitation in which children have been encouraged by their mothers, who consider such an activity to be "the easiest and most profitable".

C. The problem of trafficking in children

199. In October 1996 Venezuela ratified the Hague Convention, the principle of which is to respond to the need for global regulation of the international transfer of minors from their state of residence to the state of residence of potential adoptive parents, in an effort to consolidate the legal provisions and systematize the proceedings, thereby guaranteeing comprehensive and transparent protection for children in the process of adoption. This has been an effective means of preventing trafficking in children and juveniles.

200. In that connection, in 1995 the National Children's Institute had held a series of meetings with institutions involved in the prevention of trafficking in children (the Directorate of Aliens, the Office of the Attorney-General of the Republic, the judicial technical police, the Ministry of Health and Social Welfare) to devise a Plan for the prevention of the traffic in, and the sale of, children. The diagnosis for the Plan has been carried out and strategies and activities defined, but it has not been successfully institutionalized. In the end, the only body that implemented its actions was INAM, which started a process of intervention that exercised some control over situations of possible risk (see the annexes of the section of the report devoted to the situation of undocumented children).

201. It is vital that a plan of this kind be launched in a country with such disquieting statistics. An analysis of press reports in 1996 shows 314 cases of disappearances of children and juveniles, 73% of whom were between the ages of 12 and 17, and of these 69% were girls. This could serve as an indicator of possible trade in children for purposes of commercial sexual exploitation (see table 19 and diagrams 5 to 8).

202. In a different connection, it is necessary to highlight the use of the Convention on the Rights of the Child to attack situations that boost the traffic in, and the sale of, children. Reference is made to the activities conducted by INAM in the face of an advertising campaign in 1996 by the Venezuelan Institute for the Integral Development of the Child (INVEDIN) to attract adults for sponsoring this institution's children. It was carried out with posters containing the following phrases:

"Children on offer for a few days".

"Make the most of it, three children for the price of two".

"Buy this girl in 12 instalments, without down-payment". (see annexes).

This type of message contravenes the provisions of article 35 of the Convention, which establishes that: "States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form".

203. INAM addressed the situation with a call for the elimination of the posters in question, specifying that it did not challenge INVEDIN's initiative, which was intended to promote the right to education of children with special needs and motivate the community's altruism to that end. However, it pointed out that the advertising strategy used was unacceptable and that, in addition to containing the messages cited above, it also offered a choice of form of payment.

Table 16

Adolescents victim of sexual exploitation

A. By federal entity

Entity	I-96	II-96	I-97	Total
Federal District		10	4	14
Amazonas			2	2
Anzoátegui		3	1	4
Apure	1			1
Aragua			5	5
Barinas				
Bolívar	3			3
Carabobo		4	12	16
Cojedes				
Delta Amacuro	1			1
Falcón		1		1
Guárico		1		1
Lara	1			1
Mérida				
Miranda		4		4
Monagas				
Nueva Esparta				
Portuguesa		5		5
Sucre	3	6		9
Táchira				
Trujillo				
Yaracuy			3	3
Zulia			1	1

B. By initial age

Initial age	I-96	II-96	I-97	Total
7		1		1
8			1	1
9				
10				
11	1		1	2
12	1	1	6	8
13		4	4	8
14		7	2	9
15	1	10	5	16
16	2	1	8	11
17	1	9		10
No data	3	1	1	5

C. By sex

Sex	I-96	II-96	I-97	Total
Male		1	3	4
Female	9	33	25	67
Total	9	34	28	71

D. By age

Åge	I-96	II-96	I-97	Total
No data	1			1
12	1			1
13		2	2	4
14	1	2	3	6
15	1	3	1	5
16	2	7	9	18
17	3	20	13	36
Total	9	34	28	71

E. By schooling status

Schooling status	I-96	II-96	I-97	Total
Studying	5	4	3	12
Not studying	4	29	25	58
No data		1		1

F. By grade attained

Highest grade	I-96	II-96	I-97	Total
No schooling		3		3
2nd grade		1	2	3
3rd grade		3		3
4th grade	2	5	2	9
5th grade	2	2	2	6
6th grade	5	10	11	23
7th grade		5	2	7
8th grade		1	2	3
9th grade		3	5	8
Diversified cycle (11th grade)		1		1
No data			2	2

G. By nationality

Nationality	I-96	II-96	I-97	Total
Venezuelan	9	31	28	68
Foreign		3		3

H. Possession of documents

Possession	I-96	II-96	I-97	Total
YES	7	32	26	65
NO	2		1	3
No reply Do not know		2	1	3

I. By use of psychoactive substances

Use	I-96	II-96	I-97	Total
Alcohol	1	2	3	6
Cigarettes		2	3	5
Drugs		1		1
Alcohol-cigarettes	4	17	9	30
Alcohol-drugs		1	1	2
Alcohol-cigarettes-drugs	1	8	5	14
No	1			1
No data	2	3	6	11
Total	9	34	28	71

J. By work shifts

Shifts	I-96	II-96	I-97	Total
Morning				
Afternoon	1	1	1	3
Night	7	20	17	44
Afternoon + night	1	9	8	18
Night + morning				
Morning/afternoon/night		3	2	5
No data		1		1

K. By days worked

Days worked	I-96	II-96	I-97	Total
1				
2		1		1
3	1	4	1	6
4	3	5	3	11
5		7	4	11
6		9	9	18
7	3	8	11	22
No data	2			2

L. By workplace

Workplace	I-96	II-96	I-97	Total
Squares, boulevards, avenues, terminuses	4	19	14	37
Bars, taverns, night-clubs, brothels	1	15	10	26
No data	4	1	3	8

Source: INAM -1997

Table 19

Disappearance of children and adolescents reported in the national press, by age group and sex, 1996

Age group	Sex		Total
	Female	Male	
0 - 6	13	12	25
7 - 11	15	31	46
12 - 17	160	72	232
No data	7	4	11
Total	195	119	314

Diagram 5

Disappearance of children and adolescents reported in the national press, by age group and sex, 1996

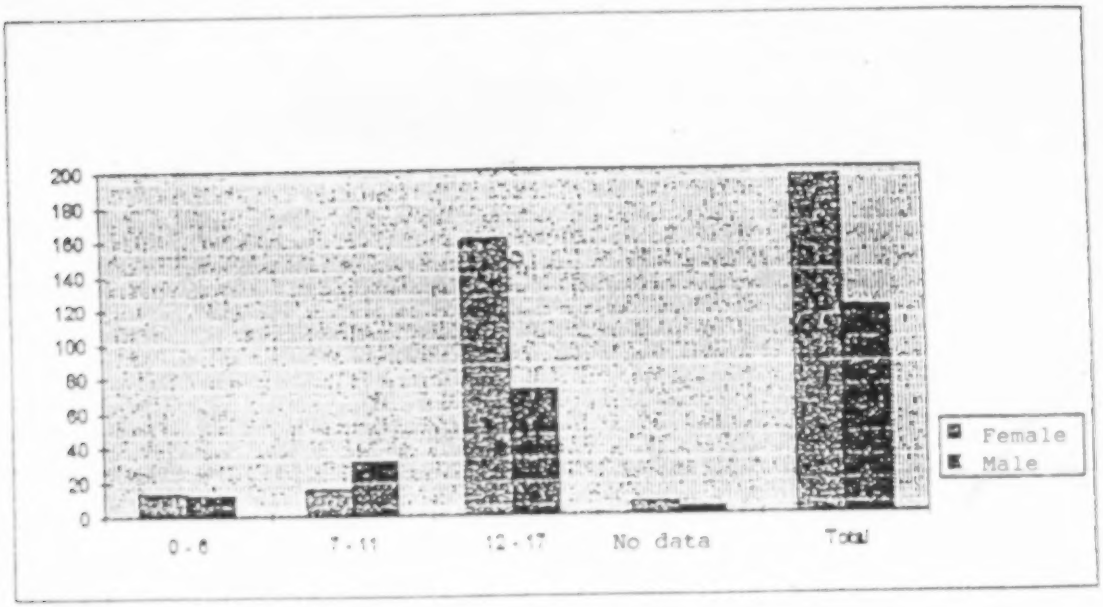


Diagram 6

Disappearance of children and adolescents reported in the national press, by age group, 1996

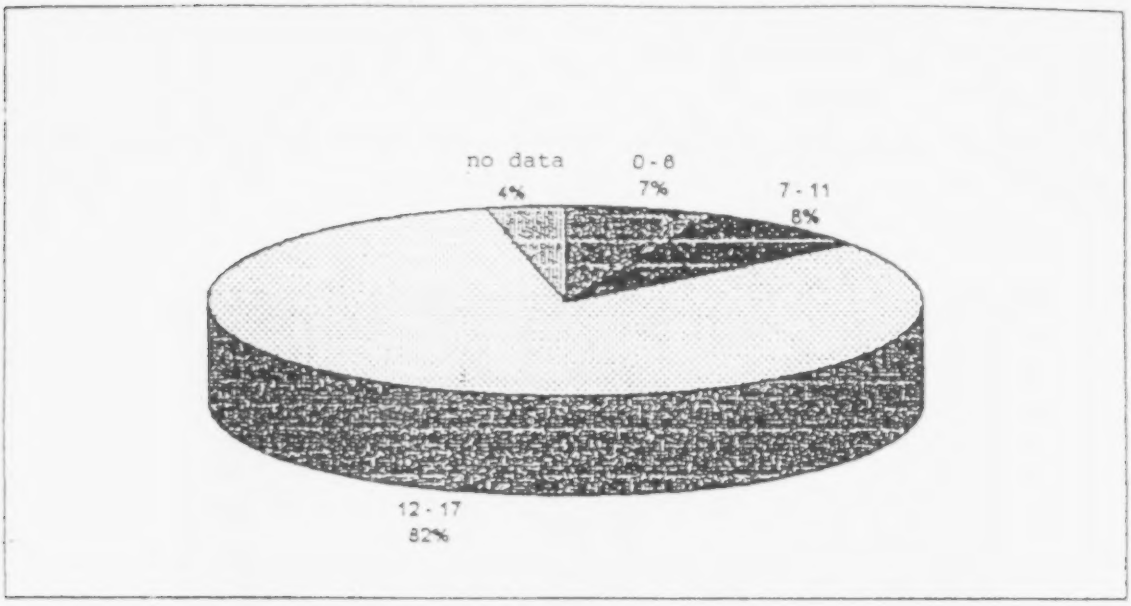


Diagram 7

Disappearance of children and adolescents reported in the national press, by age group, 1996

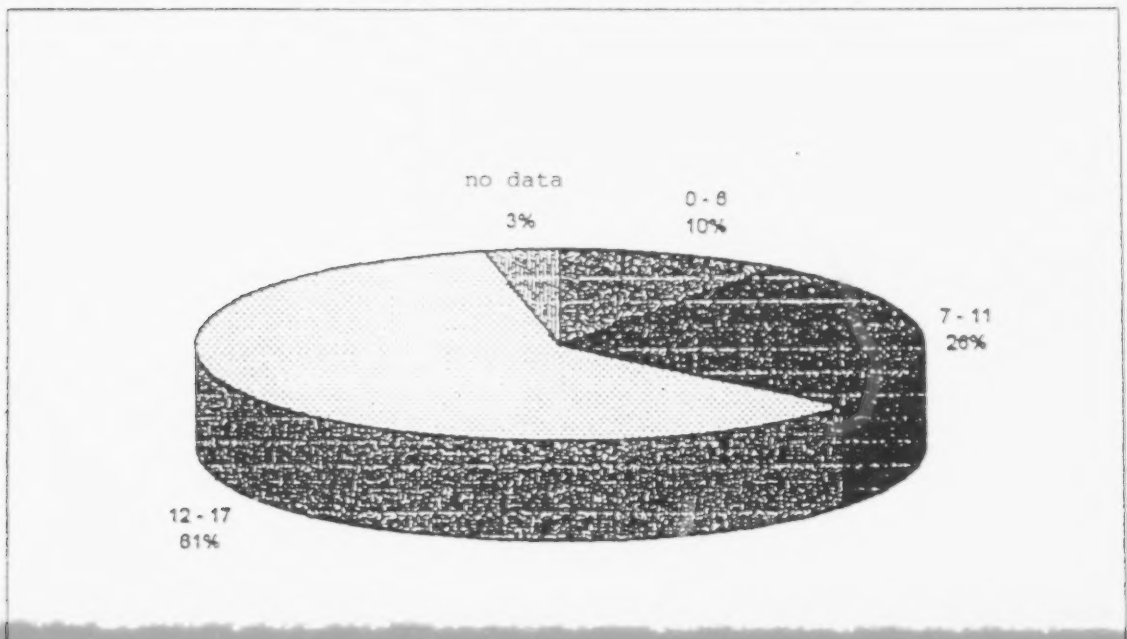
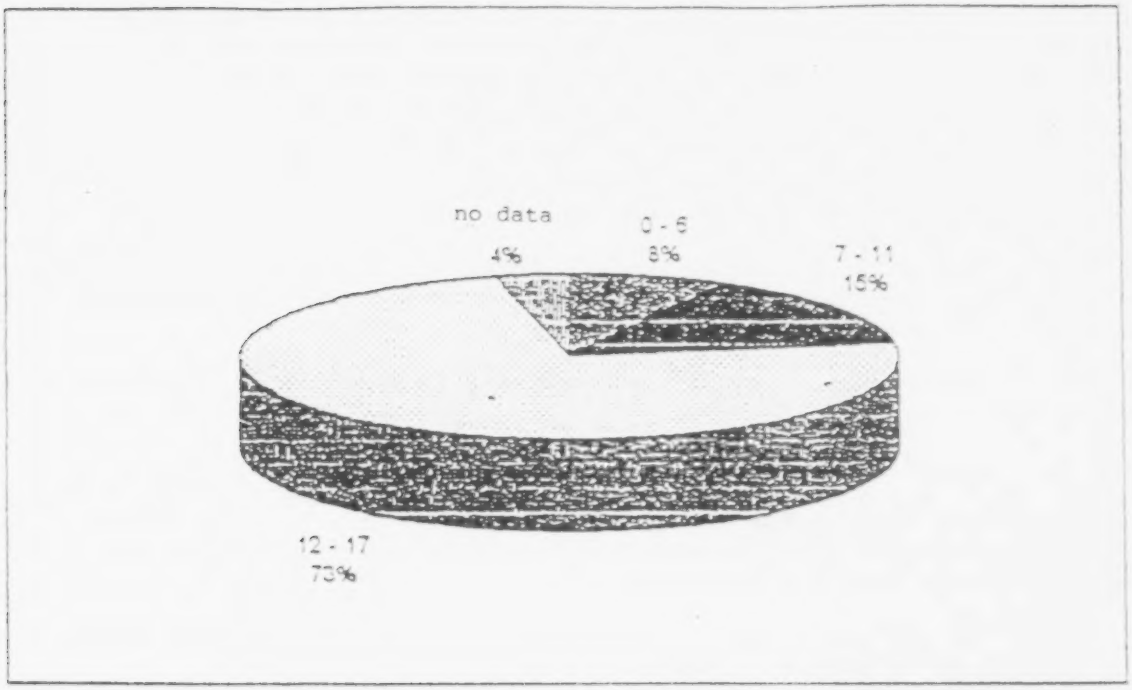


Diagram 8

Disappearance of children and adolescents reported in the national press, by age group, 1996



VIII. SITUATION OF UNDOCMENTED CHILDREN

204. In Venezuela, a timely registration of children in the civil register has become a topic of interest and concern for child care authorities and the population affected by real difficulties in acceding to services for identification of their children.

205. This interest and concern stem from the fact that a considerable number of Venezuelans do not fulfil the duty to register children born on Venezuelan territory within the time frame provided by the law, and there are increasing numbers of cases where this legal obligation is never complied with. Accordingly, the Venezuelan Civil Code establishes in its article 464 that "the declaration of a birth shall be made within twenty (20) days to the Registrar General of the parish or municipality". The following are some of the causes of this situation, which involves the existence of a considerable number of undocumented children in the national territory:

a) The citizens' lack of proper information about the duty to register their children in a timely manner, and the advantages it entails with regard to access to other civil rights.

b) Relative ignorance of the procedures and requirements for access to the Registry.

c) The difficulties encountered by the population in acceding to the service, owing to its poor geographical distribution, the disproportion between high demand and the installed institutional capacity, lack of books, either because they arrive late or run out, insufficient officials to compile the Register, and the obsolete procedures used.

d) The failure to apply the existing provision of the Family Protection Act with regard to "births in hospitals, clinics or similar public establishments".

e) Irregular registers which do not comply with established procedures and forged documents that cast doubt on their veracity and validity.

f) The care centres' unwarranted withholding of, and charging for, the cards proving the child's birth and its filiation to the mother.

206. These difficulties are posing real problems for the issuing of birth certificates and, subsequently, identity cards to many children, adolescents and young people born in Venezuela and children of duly documented Venezuelan parents.

207. An additional problem is posed by children born in the national territory, offspring of illegal aliens, who, according to article 35, para.1, of the National Constitution, are guaranteed the right of nationality, but cannot in practice enjoy it owing to their parents' irregular situation in the country.

208. These two situations have the following consequences:

a) A growing number of children without identification and, consequently, excluded from enjoyment of basic rights such as education, health and social security, with the undesirable consequence of social maladjustment;

b) Lack of enjoyment of the right to a name and nationality encourages the appearance of irregular proceedings and promotes the upsurge of channels of corruption for acceding to enjoyment of services that the State must provide as a function of the recognition of those rights;

c) The inadequate identification of Venezuelan children increases their vulnerability to child trafficking.

209. To the above is added the problem of minors in irregular situations existing in border States. This situation has existed for years but was exacerbated during 1994. The reasons are manifold and include lack of traffic control at frontier posts.

210. There is evidence that a large number of Colombian immigrants have presented at the prefectural offices of villages in State of Apure children who later returned to Columbia with their natural parents and, in other even more serious situations, these children are abandoned. In these cases the Colombian Amazon Orinoco Colombian Institute of Family Welfare (ICBF) resorts to enforcement of the law and, since they are Venezuelans, sends them to the INAM Community Care Centre for appropriate placement. (List of registered children attached). This means that these minors are cared for in INAM centres where social studies of the case are hindered; a possible adoption process is slowed down; the minor is separated from the family group and grows up without a definite nationality.

211. Given these problems detected and the long-standing difficulties of access to the civil register in Venezuela, the 1980 Minors' Protection Act provided in its article 10 that "the State shall provide the means for recognizing children and their timely registration in the civil register. When a minor is not registered in the civil register of births, the National Children's Institute shall urge those concerned to effect the registration and, should they fail to do so, the registration shall be processed by the Institute or by the Children's Ombudsman in accordance with the provisions of the Act".

212. With the promulgation of the Minors' Protection Act, the INAM devised a special "late registrations" proceeding to overcome the difficulty of access to the civil register. This procedure had its basis in the aforementioned article 10 of the Act governing minors' issues. It is applied to minors of seven years old, after which if a child had not been registered the case was taken before the special court for a decision on registration. This mechanism is applied to the children of Venezuelan parents and children of foreign parents whose papers were in order and who have not duly registered the child in the civil register. If a foreigner whose pape.s are not in order, but has a child born in the national territory, seeks that type of support, application is made for legalization of his or her situation from the Directorate for Aliens, following a social study proving that he or she was constructively engaged in the country.

213. Late registrations were routinely practised in Venezuela until the promulgation of Decree 1911 of 24 October 1991. The content of this decree,

promulgated in order to meet the growing demand for registration in the civil register of births, was essentially as follows: it authorized prefects and civic leaders to indicate in the aforementioned books of the civil register a record of the birth of any child presented to them, even if neither of the child's parents had Venezuelan nationality or held identity papers. However, Presidential Decree 1911 was denounced by the Attorney-General of the Republic of Venezuela before the Supreme Court of Justice on the ground of unconstitutionality of its articles 2, 4 and 6 which established:

a) The obligation to issue a birth certificate in those cases in which both parents, or one parent, did not hold Venezuelan nationality or had no identity papers;

b) The obligation for prefects and civic leaders to record in the books of the civil register the birth of all children presented to them, even if either or both parents did not hold Venezuelan nationality or identity papers;

c) Officials should process and issue identity certificates to minors even when, for purposes of processing the request, they were not accompanied by their legal representatives or when the latter did not possess documentation.

214. Critics of the decree pointed out that although the Constitution of the Republic granted the President statutory normative power, his authority could not exceed the limits imposed on him by the legal system, even though his actions were based on altruistic or noble motives. The critics claimed that in the case of the above-mentioned decree the President had exceeded the authority assigned to him, inasmuch as although the Constitution establishes in article 35 that persons born in the territory of the Republic are Venezuelans by birth, article 42 stipulates that the law that will govern acquisition, opposition, loss and recovery of nationality was to be promulgated, while article 52 prescribes that Venezuelans and foreigners alike must fulfil and obey the terms of the Constitution and the laws established by the legitimate organs of the State and in accordance with the hierarchy of laws, so that each time a law or other standard-setting instrument is established, it must comply with the principle of legality enshrined in article 117 of the National Constitution.

215. Consequently, article 2 of the Organic Identification Act was invoked: "Identification of natural persons is obligatory and it is for the State to guarantee that all citizens are duly identified". In default of the obligatory identification established by the above-mentioned law, no acts that require identification can be carried out (article 12) and foreigners would be obliged to obtain an identity certificate if they had been authorized to remain in the country for more than six months.

216. At the same time, articles 467 and 468 of the Civil Code establish that the competent authority for witnessing the act of registration in the civil register must demand the parents' identity certificate, which is the necessary measure for avoiding "confusions of identity or substitution of identity by persons with the same name". Either of those eventualities would evidently be detrimental to the establishment of an accurate and complete filial link, with negative repercussions on the status of the new-born child, which is an issue of public order (request for repeal for Decree 1.911, Official Communication No. 37525 of 18 December 1991, signed by Dr Ramón Escobar Salom).

217. Consequently, if the father or mother do not hold official identification papers, the Registrar is obliged to refrain from registering the birth in the appropriate books, and if they are undocumented foreigners, meaning that they have no proper identification papers, issued by the Venezuelan authorities, or that the documents they hold have either expired or contain no visa, in the case of a passport, the Registrar must also refuse to enter the registration.

218. It was considered that Decree 1911 explicitly contravened the legal provisions that require obligatory use and presentation of proper identification, violating article 177 of the Constitution, in association with article 117 and paragraph 24 of article 136 and paragraph 10 of article 190, "when it uses legal provisions to invade the area of competence of the legislative body, since laws are repealed by other laws". At the same time, the decree was considered illegal in that it violated articles 2, 11 and 12 of the Organic Identification Act and articles 467 and 468 of the Civil Code, all the more so if it is remembered that article 13 of the Organic Administrative Procedures Act states: "no administrative act may violate the provisions of another higher-ranking act, nor may special acts impair a general administrative provision, even when they were issued by an authority of equal or higher rank than the authority that issued the general provision.".

219. In short, the most disturbing aspect of Decree 1911 was:

a) The abuse of power to enforce a right, regardless of the legal provisions in force;

b) The fact that in order to guarantee a child's right to a name and nationality it jeopardised the enjoyment of other rights, such as the right to know one's parents, since by registering any child presented, even when the person presenting it does not bear identity papers, facilitates the sale or traffic of children, a matter alluded to in the phrase "Confusions of identity or substitution of identity by persons with the same name".

c) The fact that the decree allows aliens to violate provisions established in the legislation in force, creating an undesirable precedent of legal uncertainty (press cutting attached).

220. In the light of these observations, Decree 1911 was partially repealed on 30 November 1993. However, its article 1 was retained, which established the obligation of maternity and health services to deliver free and compulsory cards establishing the birth of a child and its filiation to the mother. However, there is still nation-wide alarm at the existence of an increasing number of children born in Venezuela and children of Venezuelans who, because of ignorance of the law and its procedures or difficulties posed by the inadequate geographical distribution of the civil registries, the disproportion between demand and installed institutional capacity, or the out-of-date procedures used for registration, are still excluded from the right to a name and nationality and, hence, from other basic human rights. Similar concern is felt about the situation of children born in the territory of the Republic, children of foreigners, illegal aliens, who also lack access to this service for the reasons stated.

221. As can be observed, the promulgation and subsequent partial repeal of Decree 1911, which, in the view of many, placed illegal aliens in the country in a preferential situation vis-à-vis the requirements made of Venezuelans for registration of their children up to that time, generated feelings of hostility towards those persons and brought into the open the discussion about the situation of children born in the national territory but of undocumented parents, generating substantial resistance to their registration by any means and extending such resistance to all children not duly registered.

222. The debate has apparently polarized in Venezuela, and there are two clearly identifiable factions. The first demand the registration in the civil register of all children born in the national territory, regardless of the parents' situation and the time frame established by law, basing their claims on the provisions contained in article 35 of the National Constitution and setting aside the arguments considered just by the country's Supreme Court of Justice. The second faction opposes the registration of children of illegal aliens in the country and the late registration of any child who, born in the national territory, is not entered in the civil register within 20 days of its birth, unless this is done through a birth registration court case, which entails for the interested parties - mostly persons with low economic resources - a substantial cash outlay owing to the need to publish edicts in national newspapers as established by the Code of Civil Procedure (see attached a copy of the letter despatched by the Attorney-General of the Republic to the office of the president of INAM, as well as press cuttings).

223. Faced with this situation, the National Children's Institute has engaged in mass late registrations in the civil register in various areas of the national territory, in association with the Directorate for Aliens, the PTJ, civic leaders and some NGOs, and between 1995 and 1996 succeeded in registering 13,412 children and have been able to establish that 94% of children without access to a name and nationality are offspring of Venezuelan parents or a Venezuelan father or mother with a foreign spouse whose papers are in order. The remaining 6% are children born in Venezuela or abroad of foreigners that are illegally in the country (see tables 20 and 21).

224. Also, many officers enter in the civil register children of Venezuelans or foreigners with the correct papers up to the age of three, ignoring the provisions of article 464 of the Civil Code. In this situation some measure must be taken to deal adequately with this problem, which in practice violated the rights of the children concerned, makes for the emergence of irregular procedures and practices for the securing of those papers and gives rise to violence and social exclusion among the child and juvenile population.

225. Article 464 of the Civil Code provides for no sanction for presenting the child or registering its birth after the 20-day deadline, or for any other type of sanction. The law is therefore technically deficient in that regard. As a result, some authorities stress that refusal to authorize the registration once the deadline has passed can wreak irreparable damage on the children. Since those who break the rule are not penalized, the deadline has been arbitrarily extended, by custom, to the age of 2 or 3.

226. For all the above reasons and in order to recognize the right to a name and a nationality enshrined in the Constitution, the Minors' Protection Act and

the enabling legislation for the Convention on the Rights of the Child, and the Office of the Registrar-General readily accepts the birth certificates of children entered in the Civil Registry by age 9, thus enabling all juveniles registered in accordance with the procedure devised by INAM, or that established by the civil authorities, to be issued with an identity card (see attached copy of the text of INAM's late-registration procedure).

227. Furthermore, the Office of the Registrar-General of the Directorate for Aliens has established a procedure that guarantees the right to a name and a nationaly for all unregistered children and adolescents over 9 years of age (see attached description of the procedure).

228. Defense for Children International-Venezuela (DCI) during consideration of a draft amendment to the Minors' Protection Act, submitted by INAM, felt that the problem should be more widely discussed in the quest for solutions; while the issue raises a problem that affects the State, namely sovereignty, as a child cannot be penalized because its parents have breached the law, an argument that also holds for private institutions and the State.

229. In addition, in order to guarantee children born on Venezuelan territory the right to a name and a nationality, INAM has proposed strengthening the late-registration procedure for children born in Venezuela of Venezuelan parents or of foreign parents holding valid identification papers.

230. In addition to the foregoing, the aims of the measures adopted by INAM this area are as follows:

a) To encourage discussion of the matter with a view to bringing Venezuelan legislation into line with the Convention on the Rights of the Child. INAM has therefore proposed the adoption of articles designed to solve the current problems and revert to enforcement of the articles on the Family Protection Act, which, although still in force, have fallen into disuse since the Civil Registry Office was closed down in 1969 for not fulfilling its obligations under that Act (see proposed new articles attached);

b) To publish articles in the press (clippings attached) on the need to implement an **immigration policy** that facilitates legalization of the situation of persons of foreign nationality engaged in constructive activity in the country. INAM has discussed this matter with the competent authorities, who have shown interest, even though there are major obstacles caused by the fact that the identity card system, being outdated, does not meet the needs of Venezuelans, which means that it must first be modernized, to which end strenuous efforts are being made;

c) To denounce the demand of payment for birth certificates (press clippings attached);

d) To support the publicity and education campaigns launched by the NGOs to inform the public of their rights and the procedures for registering their children at the Registry of Births.

e) To prepare, after discussion with other State bodies, a plan for the prevention of child trafficking, which focuses mainly on the need for action to

ensure that childen living in the country are in possession of valid identity papers (see annex);

f) To submit to Congress a draft amendment to article 35 of the Constitution to ensure that the right of children born of foreign parents to a name and a nationality is made subject to authorization to reside in Venezuela, as set forth in the 1947 Constitution.

Table 20

Cases of assistance to minors at community care centres for obtaining documents to guarantee access to the right to a name and nationality
Venezuela, 1995-1996

Action	1995	1996	Total
Inclusion of birth certificate	2 048	1 926	3 974
Late registration	1 994	2 054	4 048
Total	4 042	3 980	8 022

Source : INAM.

Table 21

Presentation operations 1995-1996

Sectional	N° of operations	Children presented	Unable to present	Inclusion of certificate	Total assisted
Federal Department	4	2 352	585	145	3 082
Bolivar	2	89	45	66	200
Carabobo	5	1 421	390	198	2 079
Cojedes	3	45	20	-	65
Delta Amacuro	1	37	8	-	45
Falcon	1	271	-	14	285
Lara	4	800	-	-	800
Merida	1	87	-	-	87
Miranda	1	50	-	-	50
Nueva Esparta	1	2	-	3	5
Portugues A	1	10	-	5	15
Sucre	1	61	21	46	128
Tachira	1	-	-	26	26

Sectional	N° of operations	Children presented	Unable to present	Inclusion of certificate	Total assisted
Trujillo	1	-	-	30	30
Yaracuy	1	95	-	47	142
Zulia	1	-	-	41	41
Total	29	5 390	1 069	621	7 080

Note : Adding these figures to those for 1995 and 1996 produces a total of 13,412 children registered.

IX. OBSERVATIONS CONCERNING INTER-COUNTRY ADOPTION

231. Venezuela ratified the Hague Convention on Inter-country Adoption on 8 October 1996 through the enabling legislation published in Official Gazette 30,060, which was due to take effect on 1 May 1997. Other pertinent regulations are contained in the amendment to the Minors' Protection Act, which places the greatest emphasis on this subject, which is not covered by the existing special law. The reform underscores the subsidiary nature of this form of adoption, the need to appoint a central authority at the national level, and the advisability of concluding international agreements that guarantee the specific aims of such adoption.

232. Given the importance of this topic and the polemic to which discussion of it usually gives rise, a number of events were organized for its review. They are:

- A series of conferences on children and international private law (one of the topics being inter-country adoption), held in Caracas from 7 to 10 November 1995 and organized by the Central University of Venezuela, the Andrés Bello Catholic University, the Ministry of the Family and the National Children's Institute.

- An international seminar on adoption, held in Caracas on 22 and 23 February 1996 and organized by International Social Service, the Central University of Venezeula, the Andrés Bello Catholic University, the Ministry of the Family and the National Children's Institute.

- A lecture on international adoption delivered by Mr. Robert D. Tuke on 20 May in Caracas and organized by the National Children's Institute as part of the national survey on the reform of the Minors' Protection Act.

233. In addition, INAM and the Ministry of External Relations are finalizing a manual setting out the procedures for implementation of the Hague Convention and the functions of the competent bodies (see text at annex).

234. The statistics on intercountry adoptions in Venezuela are as follows:

Requests for intercountry adoption, by country (since 1994)

Spain	70
Italy	15
United States	16
Canada	1
France	3
Switzerland	1
Ireland	2
Israel	1
Total	109

Intercountry adoptions

Total	52
By sex:	
Girls	31
Boys	21
Situation of the child:	
Abandoned	34
With parents	18
Offered for adoption by INAM	23

235. Let it be said that a number of complaints have been filed of cases in which the guidelines established by the Convention of the Rights of the Child were not observed. In April 1997 the National Childrens' Institute lodged a complaint against the Eighth Provisional Juvenile Court Judge of the Eighth Caracas Metropolitan District for authorizing a minor girl to travel abroad with her prospective adoptive parents, and authorizing any of them to approach the National Directorate for Aliens to obtain a passport for the girl. In that case, it was noted that an inter-country adoption request had been granted in flagrant breach of article 21 of the Law Approving the Convention on the Rights of the Child, inasmuch as the procedure had been initiated without any application for the placement of the child with its family or for intercountry adoption. It was also claimed that the adoption request in question had been submitted when the girl's mother had already handed the child over, in violation of article 29 of the Law Approving the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, which stipulates that "There shall be no contact whatever between the future adoptive parents and the parents of the child, or other persons who may have custody of the child, until the conditions of article 4, paragraphs A and C, and article 5, paragraph C, have been met, unless the adoption of the child has taken place between relatives, or unless the conditions established by the competent authority of the originating country have been fulfilled".

236. In view of the situation described, on 21 March 1997 the girl, Delia Yannikis Sphon (surnames of the applicants for adoption), or Delia Rondón, was intercepted and made a ward of INAM.